**Code of Ordinances**

**of the**

**CITY OF**

**MCGREGOR, Iowa**

**Prepared By: Local Government Professional Services, Inc.**

**DBA Iowa Codification**

**P. O. Box 244**

**114 E 5th Street**

**Storm Lake, Iowa 50588**

**(641) 355-4072**

**www.sc-ic.com**

**CODE OF ORDINANCES  
OF THE  
CITY OF MCGREGOR, IOWA**

***Adopted March 16, 2022, by Ordinance No*. *02-01-2022***

**SUPPLEMENT RECORD**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **SUPPLEMENT** | | **ORDINANCES AMENDING CODE** | | |
| **Supp. No.** | **Repeals, Amends or Adds** | **Ord. No.** | **Date** | **Subject** |
| Apr-22 | Ch. 165; 165.01(33A); 165.01(49); 165.02 | 01-01-2022 | 3-16-22 | Rezoning from R-2 to R-4; Permit Mini Tourist Cabins and Create R-4 Residential-Vacation Rental District |
|  |  | 02-01-2022 | 3-16-22 | Adopting Ordinance |
|  | 99.01 | 02-02-2022 | 3-16-22 | Sewer Service Charges |
| Aug-22 | 106.08(1) | 08-01-2022 | 8-17-22 | Solid Waste Collection Fees |
|  | 75.02(3); 75.05 | 08-02-2022 | 8-17-22 | Operation of ATVs |
|  | 45.01; 45.02(2); 120.03; 120.04; 120.05; 120.06 | 08-03-2022 | 8-17-22 | Alcoholic Beverage Control |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

**CODE OF ORDINANCES**

**CITY OF MCGREGOR, IOWA**

**TABLE OF CONTENTS**

GENERAL CODE PROVISIONS

CHAPTER 1 - CODE OF ORDINANCES 1

CHAPTER 2 - CHARTER 9

CHAPTER 3 - MUNICIPAL INFRACTIONS 11

CHAPTER 5 - OPERATING PROCEDURES 25

CHAPTER 6 - CITY ELECTIONS 33

CHAPTER 7 - FISCAL MANAGEMENT 39

CHAPTER 8 - URBAN RENEWAL 49

ADMINISTRATION, BOARDS, AND COMMISSIONS

CHAPTER 15 - MAYOR 91

CHAPTER 16 - MAYOR PRO TEM 97

CHAPTER 17 - CITY COUNCIL 99

CHAPTER 18 - CITY CLERK/ADMINISTRATOR 107

CHAPTER 19 - CITY TREASURER 115

CHAPTER 20 - CITY ATTORNEY 121

CHAPTER 21 - LIBRARY BOARD OF TRUSTEES 127

CHAPTER 22 - PLANNING AND ZONING COMMISSION 135

CHAPTER 23 - PARK BOARD 141

CHAPTER 24 - HISTORIC PRESERVATION COMMISSION 147

ADMINISTRATION, BOARDS, AND COMMISSIONS (continued)

CHAPTER 25 - UTILITY BOARD OF TRUSTEES 155

CHAPTER 26 - DOCK COMMISSION 161

CHAPTER 28 - CITY TREE BOARD 173

police, fire, and emergencies

CHAPTER 30 - LAW ENFORCEMENT 185

CHAPTER 35 - FIRE PROTECTION 205

CHAPTER 36 - MAR-MAC EMERGENCY SQUAD 211

public offenses

CHAPTER 40 - PUBLIC PEACE 225

CHAPTER 41 - PUBLIC HEALTH AND SAFETY 233

CHAPTER 42 - PUBLIC AND PRIVATE PROPERTY 243

CHAPTER 43 - DRUG PARAPHERNALIA 251

CHAPTER 45 - ALCOHOL CONSUMPTION AND INTOXICATION 265

CHAPTER 46 - MINORS 271

nuisances and animal control

CHAPTER 50 - NUISANCE ABATEMENT PROCEDURE 301

CHAPTER 51 - JUNK AND JUNK VEHICLES 309

CHAPTER 55 - ANIMAL PROTECTION AND CONTROL 325

traffic and vehicles

CHAPTER 60 - ADMINISTRATION OF TRAFFIC CODE 365

CHAPTER 61 - TRAFFIC CONTROL DEVICES 373

CHAPTER 62 - GENERAL TRAFFIC REGULATIONS 379

CHAPTER 63 - SPEED REGULATIONS 389

CHAPTER 64 - TURNING REGULATIONS 395

traffic and vehicles (continued)

CHAPTER 65 - STOP OR YIELD REQUIRED 401

CHAPTER 66 - LOAD AND WEIGHT RESTRICTIONS 409

CHAPTER 67 - PEDESTRIANS 415

CHAPTER 68 - ONE-WAY TRAFFIC 421

CHAPTER 69 - PARKING REGULATIONS 427

CHAPTER 70 - TRAFFIC CODE ENFORCEMENT PROCEDURES 439

CHAPTER 75 - ALL-TERRAIN VEHICLES, SNOWMOBILES, AND DIRT BIKES 465

CHAPTER 76 - BICYCLE REGULATIONS 475

CHAPTER 80 - ABANDONED VEHICLES 495

CHAPTER 81 - RAILROAD REGULATIONS 503

CHAPTER 82 - RIVERFRONT REGULATIONS 509

water

CHAPTER 90 - WATER SERVICE SYSTEM 565

CHAPTER 91 - STORMWATER DRAINAGE SYSTEM UTILITY 571

sanitary sewer

CHAPTER 95 - SANITARY SEWER SYSTEM 599

CHAPTER 96 - BUILDING SEWERS AND CONNECTIONS 607

CHAPTER 97 - USE OF PUBLIC SEWERS 615

CHAPTER 98 - ON-SITE WASTEWATER SYSTEMS 623

CHAPTER 99 - SEWER SERVICE CHARGES 629

garbage and solid waste

CHAPTER 105 - SOLID WASTE CONTROL 655

CHAPTER 106 - COLLECTION OF SOLID WASTE 667

franchises and other services

CHAPTER 116 - TOWERS AND ANTENNAS 701

regulation of business and vocations

CHAPTER 120 - LIQUOR LICENSES AND WINE AND BEER PERMITS 725

CHAPTER 121 - CIGARETTE AND TOBACCO PERMITS 733

CHAPTER 122 - PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS, MOBILE FOOD

VENDORS, AND PUSH CARTS 741

CHAPTER 123 - HOUSE MOVERS 749

CHAPTER 124 - LICENSING OF JUNK DEALERS, SECONDHAND GOODS DEALERS

AND PAWNBROKERS 755

CHAPTER 125 - HOTEL/MOTEL TAX 763

streets and sidewalks

CHAPTER 135 - STREET USE AND MAINTENANCE 801

CHAPTER 136 - SIDEWALK REGULATIONS 809

CHAPTER 137 - VACATION AND DISPOSAL OF STREETS 817

CHAPTER 138 - STREET GRADES 823

CHAPTER 139 - NAMING OF STREETS 829

CHAPTER 140 - DRIVEWAY REGULATIONS 835

CHAPTER 141 - RECEPTACLES IN PUBLIC RIGHT-OF-WAY 841

building and property regulations

CHAPTER 145 - DANGEROUS BUILDINGS 865

CHAPTER 146 - MANUFACTURED AND MOBILE HOMES 873

CHAPTER 147 - FIRE ZONE 879

CHAPTER 148 - DEMOLITION OF BUILDINGS 885

CHAPTER 150 - BUILDING NUMBERING 901

CHAPTER 151 - TREES 907

building and property regulations (continued)

CHAPTER 152 - LAWN MAINTENANCE 913

CHAPTER 153 - FENCES 919

CHAPTER 155 - ABOVE-GROUND MOTOR FUEL TANKS 931

CHAPTER 156 - CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL 939

CHAPTER 160 - FLOODPLAIN MANAGEMENT 965

CHAPTER 161 - MCGREGOR COMMERCIAL HISTORIC DISTRICT

SIGN STANDARDS 1001

zoning and subdivision

CHAPTER 165 - ZONING REGULATIONS 1025

CHAPTER 166 - SUBDIVISION REGULATIONS 1151

INDEX

**APPENDIX:**

**USE AND MAINTENANCE OF THE CODE OF ORDINANCES 1**

**SUGGESTED FORMS:**

**DANGEROUS BUILDINGS - FIRST NOTICE 7**

**DANGEROUS BUILDINGS - NOTICE OF HEARING 8**

**DANGEROUS BUILDINGS - RESOLUTION AND ORDER 9**

**NOTICE TO ABATE NUISANCE 10**

**NOTICE OF REQUIRED SEWER CONNECTION 11**

**NOTICE OF HEARING ON REQUIRED SEWER CONNECTION 12**

**RESOLUTION AND ORDER FOR REQUIRED SEWER CONNECTION 13**

CHAPTER 1

CODE OF ORDINANCES

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

1.01 TITLE.  This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of McGregor, 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 McGregor, Iowa.
3. “Clerk” means the city clerk of McGregor, 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 McGregor, Iowa.
6. “Council” means the city council of McGregor, Iowa.
7. “County” means Clayton County, Iowa.
8. “IAC” means the Iowa Administrative Code.
9. “May” confers a power.
10. “Measure” means an ordinance, amendment, resolution, or motion.
11. “Must” states a requirement.
12. “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.
13. “Ordinances” means the ordinances of the City of McGregor, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
14. “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.
15. “Public way” includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
16. “Shall” imposes a duty.
17. “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.
18. “State” means the State of Iowa.
19. “Statutes” or “laws” means the latest edition of the *Code of Iowa*, as amended.
20. “Street” or “highway” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

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

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

(Code of Iowa, Sec. 364.1)

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

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

(Code of Iowa, Sec. 364.14)

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

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

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

(Code of Iowa, Sec. 380.2)

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

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

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

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

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

1.14 STANDARD PENALTY.  Unless another penalty is expressly provided by this Code of Ordinances for any particular provision, section or chapter, any person failing to perform a duty, or obtain a license required by, or violating any provision of this Code of Ordinances, or any rule or regulation adopted herein by reference shall, upon conviction, be subject only to a monetary fine of not more than the maximum fine as provided for a simple misdemeanor under Section 903.1(1)(a) of the *Code of Iowa*.

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

[The next page is 9]

CHAPTER 2

CHARTER

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

2.01 TITLE.  This chapter may be cited as the charter of the City of McGregor, Iowa.[[1]](#footnote-1)†

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

(Code of Iowa, Sec. 372.4)

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

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 376.2)

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

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

° ° ° ° ° ° ° ° ° °

CHAPTER 3

MUNICIPAL INFRACTIONS

|  |  |
| --- | --- |
| 3.01 Municipal Infraction | 3.04 Civil Citations |
| 3.02 Environmental Violation | 3.05 Alternative Relief |
| 3.03 Penalties | 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.[[2]](#footnote-2)†

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

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

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

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

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

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

1. Standard Civil Penalties.
2. First offense – not to exceed $750.00
3. Each repeat offense – not to exceed $1,000.00

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

1. Special Civil Penalties.
2. 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.
3. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than $1,000.00 for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:

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

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

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

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[9])

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[12])

[The next page is 25]

CHAPTER 5

OPERATING PROCEDURES

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

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

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

(Code of Iowa, Sec. 63.1)

1. 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 McGregor as now or hereafter required by law.”

(Code of Iowa, Sec. 63.10)

1. 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:
2. Mayor
3. City Clerk
4. 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)

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

(Code of Iowa, Sec. 64.19)

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 21.4)

1. 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)

1. 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)

1. 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)

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

(Code of Iowa, Sec. 21.7)

1. 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])

1. 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])

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

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

1. 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])

1. Newspaper. The designation of an official newspaper.

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

1. 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])

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 372.15)

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

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

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

[The next page is 33]

CHAPTER 6

CITY ELECTIONS

|  |  |
| --- | --- |
| 6.01 Nominating Method to Be Used | 6.04 Preparation of Petition and Affidavit |
| 6.02 Nominations by Petition | 6.05 Filing; Presumption; Withdrawals; Objections |
| 6.03 Adding Name by Petition | 6.06 Persons Elected |

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

(Code of Iowa, Sec. 376.3)

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

(Code of Iowa, Sec. 45.1)

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

(Code of Iowa, Sec. 45.2)

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

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

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

(Code of Iowa, Sec. 45.4)

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

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

[The next page is 39]

CHAPTER 7

FISCAL MANAGEMENT

|  |  |
| --- | --- |
| 7.01 Purpose | 7.05 Operating Budget Preparation |
| 7.02 Finance Officer | 7.06 Budget Amendments |
| 7.03 Cash Control | 7.07 Accounting |
| 7.04 Fund Control | 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 City 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)

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

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

1. Revenues. All moneys received by the City shall be credited to the proper fund as required by law, ordinance, or resolution.
2. Expenditures. No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance, or resolution, was properly budgeted, and supported by a claim approved by the Council.
3. Emergency Fund. No transfer may be made from any fund to the Emergency Fund.

(545 IAC 2.5[2])

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

(545 IAC 2.5[3])

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

(545 IAC 2.5[4])

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

(545 IAC 2.5[5])

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

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

1. Proposal Prepared. The finance officer is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.
2. Boards and Commissions. All boards, commissions, and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the finance officer for inclusion in the proposed City budget at such time and in such form as required by the Council.
3. Submission to Council. The finance officer shall submit the completed budget proposal to the Council each year at such time as directed by the Council.
4. Resolution Establishing Maximum Property Tax Dollars. The Council shall adopt a resolution establishing the total maximum property tax dollars that may be certified for levy that includes taxes for City government purposes under *Code of Iowa* Section 384.1, for the City’s trust and agency fund under *Code of Iowa* Section 384.6, Subsection 1, for the City’s emergency fund under *Code of Iowa* Section 384.8, and for the levies authorized under *Code of Iowa* Section 384.12, Subsections 8, 10, 11, 12, 13, 17, and 21, but excluding additions approved at election under *Code of Iowa* Section 384.12, Subsection 19.

(Code of Iowa, Sec. 384.15A)

1. The Council shall set a time and place for a public hearing on the resolution before the date for adoption of the resolution and shall publish notice of the hearing not less than 10 nor more than 20 days prior to the hearing in a newspaper published at least once weekly and having general circulation in the City.
2. If the City has an internet site, the notice shall also be posted and clearly identified on the City’s internet site for public viewing beginning on the date of the newspaper publication or public posting, as applicable. Additionally, if the City maintains a social media account on one or more social media applications, the public hearing notice or an electronic link to the public hearing notice shall be posted on each such account on the same day as the publication of the notice. All of the following shall be included in the notice:

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

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

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

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

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

1. At the public hearing, the Council shall receive oral or written objections from any resident or property owner of the City. After all objections have been received and considered, the Council may decrease, but not increase, the proposed maximum property tax dollar amount for inclusion in the resolution and shall adopt the resolution and file the resolution with the County Auditor as required under *Code of Iowa* Section 384.16, Subsection 3.
2. If the sum of the maximum property tax dollars for the budget year specified in the resolution under the levies specified in this subsection exceeds 102 percent of the sum of the current fiscal year’s actual property taxes certified for levy under the levies specified in this subsection, the Council shall be required to adopt the resolution by a two-thirds majority of the membership of the Council.
3. If the City has an internet site, in addition to filing the resolution with the Auditor under *Code of Iowa* Section 384.16, Subsection 3, the adopted resolution shall be posted and clearly identified on the City’s internet site for public viewing within 10 days of approval by the Council. The posted resolution for a budget year shall continue to be accessible for public viewing on the internet site along with resolutions posted for all subsequent budget years.
4. Council Review. The Council shall review the proposed budget and may make any adjustments it deems appropriate in the budget before accepting such proposal for publication, hearing, and final adoption.
5. Notice of Hearing. Following, and not until adoption of the resolution required under Subsection 4 of this section, the Council shall set a time and place for public hearing on the budget to be held before March 31 and shall publish notice of the hearing not less than 10 nor more than 20 days before the hearing. A summary of the proposed budget and a description of the procedure for protesting the City budget under Section 384.19 of the *Code of Iowa*, in the form prescribed by the Director of the Department of Management, shall be included in the notice. Proof of publication of the notice under this subsection and a copy of the resolution adopted under Subsection 4 of this section must be filed with the County Auditor.

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

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

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

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

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

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

(Code of Iowa, Sec. 384.18)

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

(545 IAC 2.2)

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

(545 IAC 2.3)

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

(545 IAC 2.4)

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

(545 IAC 2.4)

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

1. Books of Original Entry. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.
2. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.
3. Checks. Two signatures are required on all City checks. Checks shall be prenumbered and signed by any two of the following: Mayor, Mayor Pro Tem, or City Clerk/Administrator, following Council approval, except as provided by Subsection 5 hereof.
4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program and activity as will provide adequate information and control for budgeting purposes as planned and approved by the Council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.
5. Immediate Payment Authorized. The Council may by resolution authorize the Clerk to issue checks for immediate payment of amounts due, which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the Council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include (but is not limited to) payment of utility bills, contractual obligations, payroll, and bond principal and interest.

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

1. Monthly Reports. There shall be submitted to the Council each month a report showing the activity and status of each fund, program, sub-program, and activity for the preceding month.
2. Annual Report. Not later than December 1 of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of the annual report must be filed with the Auditor of State not later than December 1 of each year.

(Code of Iowa, Sec. 384.22)

[The next page is 49]

CHAPTER 8

URBAN RENEWAL

|  |  |
| --- | --- |
| 10.01 Purpose | 10.02 Industrial Park Urban Renewal Area |

10.01 PURPOSE. The purpose of this chapter is to provide for the division of taxes levied on the taxable property in the Urban Renewal Areas of the City each year by and for the benefit of the State, City, County, school districts, or other taxing districts after the effective date of the ordinances codified in this chapter in order to create a special fund to pay the principal of and interest on loans, advances or indebtedness, including bonds proposed to be issued by the City, to finance projects in such areas.

10.02 INDUSTRIAL PARK URBAN RENEWAL AREA. The provisions of this section apply to the Industrial Park Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on April 25, 1989:

Beginning at the northeast corner of Lot 93, In Basil Giard Claim Number One, thence south along the east line of said Lot 93 to the southeast corner of said Lot 93; thence continuing on the west line of Lot 138, in Basil Giard Claim Number One to the intersection with the southerly line of Walnut Street; thence southwesterly along the southerly line of Walnut Street to the intersection with the westerly line of Elm Street; thence northwesterly along the westerly line of Elm Street to the intersection with the southerly line of Cemetery Street; thence westerly along the south line of Cemetery Street to a point where the south line of Cemetery Street deflects to the northwest; thence northwesterly along the westerly line of Cemetery Street to a point where the westerly line of Cemetery Street deflects to the north; thence northerly along the west line of Cemetery Street to a point where the west line of Cemetery Street deflects to the northwest; thence northwesterly along the southerly line of Cemetery Street to a point where the southerly line deflects southerly; thence continuing northwesterly on a projection of previously described line to the west side of Cemetery Street; thence northerly to the southerly line of a parcel recorded in Book 11 of plats, Page 84, Clayton County Recorder’s Office; thence north 64º30’27” west to a point on the west line of Lot 95 which is 660.0 feet south of the northwest corner of Lot 95 of Basil Giard Claim Number One; thence north 00º40’42” west 660.0 feet to the northwest corner of said Lot 95; thence continuing north 00º40'42" west 346.5 feet; thence north 80º53’18” east 1,661.3 feet; thence north 88º16’44” east 1,512.5 feet; thence south 00º56’03” east 594.0 feet to the north line of said Lot 93; thence east along the north line of said Lot 93 to the point of beginning, containing approximately 175 acres.

The taxes levied on the taxable property in the Industrial Park Urban Renewal Area each year by and for the benefit of the State, the City, the County, and any school district or other taxing district in which such Urban Renewal Area is located, from and after the effective date of the ordinance codified in this chapter, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Industrial Park Urban Renewal Area, as shown on the assessment roll as of January 1, 1988, shall be allocated to, and, when collected, be paid into, the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Industrial Park Urban Renewal Area on the effective date of the ordinance codified herein, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll as of January 1, 1988, shall be used in determining the assessed valuation of the taxable property in said Industrial Park Urban Renewal Area on the effective date.

2. That portion of the taxes each year in excess of such amounts shall be allocated to, and, when collected, be paid into, a special fund of the City to pay the principal of and interest on loans, advances, or indebtedness, whether funded, refunded, assumed, or otherwise, including bonds issued under the authority of Section 403.9[1] of the *Code of Iowa*, incurred by the City to finance or refinance, in whole or in part, projects in the Industrial Park Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the Industrial Park Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown on the assessment roll referred to in Subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Industrial Park Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Industrial Park Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in Subsection 2 of this section, and the special fund into which that portion shall be paid, may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9[1] of the *Code of Iowa*, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Industrial Park Urban Renewal Area.

4. As used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

|  |  |  |
| --- | --- | --- |
| **EDITOR’S NOTE** | | |
| The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing Urban Renewal Areas in the City and remain in full force and effect. | | |
| **ORDINANCE NO.** | **ADOPTED** | **NAME OF AREA** |
| 3-1-2000 | March 15, 2000 | McGregor Downtown Urban Renewal Area |
| 3-1-2006 | March 15, 2006 | Turner Park Urban Renewal Area |

[The next page is 91]

CHAPTER 15

MAYOR

|  |  |
| --- | --- |
| 15.01 Term of Office | 15.04 Compensation |
| 15.02 Powers and Duties | 15.05 Voting |
| 15.03 Appointments |  |

15.01 TERM OF OFFICE. The Mayor is elected for a term of two years.

(Code of Iowa, Sec. 376.2)

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

1. Chief Executive Officer. Act as the chief executive officer of the City and presiding officer of the Council, supervise all departments of the City, 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])

1. 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])

1. 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])

1. Mayor’s Veto. Sign, veto, or take no action on an ordinance, amendment, or resolution passed by the Council. The Mayor may veto an ordinance, amendment, or resolution within 14 days after passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto.

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

1. 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.
2. 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.
3. Contracts. Whenever authorized by the Council, sign contracts on behalf of the City.
4. Professional Services. Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the Council, the Mayor shall act in accordance with this Code of Ordinances and the laws of the State.
5. Licenses and Permits. Sign all licenses and permits that have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.
6. Nuisances. Issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable.
7. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

15.03 APPOINTMENTS. The Mayor shall appoint the following officials:

(Code of Iowa, Sec. 372.4)

1. Mayor Pro Tem
2. City Treasurer
3. Library Board of Trustees
4. Park Board
5. Utility Board of Trustees
6. Dock Commission
7. Historic Preservation Commission
8. City Tree Board
9. Council Commissions and Committees
10. Mar-Mac Public Safety Commissioners, and the Mayor shall designate which Commissioner shall serve as liaison officer during such periods when the agreement for the creation of the Mar-Mac Unified Law Enforcement is in effect and operative.

15.04 COMPENSATION. Effective January 1, 2022, the salary of the Mayor is $3,500.00 per year, paid semiannually.

(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)

[The next page is 97]

CHAPTER 16

MAYOR PRO TEM

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

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

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

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

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

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

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

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

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

° ° ° ° ° ° ° ° ° °

CHAPTER 17

CITY COUNCIL

|  |  |
| --- | --- |
| 17.01 Number and Term of Council | 17.05 Appointments |
| 17.02 Powers and Duties | 17.06 Compensation |
| 17.03 Exercise of Power | 17.07 Council Commissions |
| 17.04 Council Meetings | 17.08 Eligibility for Appointment to City Office |

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

(Code of Iowa, Sec. 372.4 and 376.2)

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

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

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

1. 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])

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

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

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

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

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

(Code of Iowa, Ch. 26)

1. 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])

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

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

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

1. Measures Become Effective. Measures passed by the Council become effective in one of the following ways:
2. 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])

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

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

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

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

1. 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])

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

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

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

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

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

1. Regular Meetings. The time and place of the regular meetings of the Council shall be fixed by resolution of the Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council.

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

1. Quorum. A majority of all Council members is a quorum.

(Code of Iowa, Sec. 372.13[1])

1. Rules of Procedure. The Council shall determine its own rules and maintain records of its proceedings.

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

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

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

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

17.06 COMPENSATION. The salary of each Council member is $50.00 for each regular meeting of the Council attended and $50.00 for each special meeting attended, said salary to be paid semiannually.

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

17.07 COUNCIL COMMISSIONS. The Mayor may appoint Council commissions with approval of the Council and any special committees of the Council. The commissions shall consist of three Council members; the first named shall be the chairperson. The Mayor shall name the chairperson of special committees and such other number of Council members as the Mayor deems appropriate. The Mayor shall be an ex officio member of each committee and commission. The Mayor shall appoint the commissions at the first meeting in January following each municipal election. Special committees may be named by the Mayor when deemed useful to the City.

17.08 ELIGIBILITY FOR APPOINTMENT TO CITY OFFICE. A Council member, during the term for which that member is elected, is not eligible for appointment to any City office if the office has been created or the compensation of the office has been increased during the term for which that member is elected. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which that person was elected if during that time the compensation of the office has been increased.

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

[The next page is 107]

CHAPTER 18

CITY CLERK/ADMINISTRATOR

|  |  |
| --- | --- |
| 18.01 Appointment and Compensation | 18.08 Records |
| 18.02 Powers and Duties: General | 18.09 Attendance at Meetings |
| 18.03 Publication of Minutes | 18.10 Licenses and Permits |
| 18.04 Recording Measures | 18.11 Notification of Appointments |
| 18.05 Other Publications | 18.12 Elections |
| 18.06 Authentication | 18.13 City Seal |
| 18.07 Certification | 18.14 City Funds |

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 362.3)

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

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

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

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

(Code of Iowa, Sec. 380.11)

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

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

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

1. 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])

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Custody of Funds. Be responsible for the safe custody of all funds of the City in the manner provided by law and Council direction.
2. Record Receipts. Keep an accurate record of all money or securities received on behalf of the City, and specify the date, from whom, and for what purpose received.
3. Record Disbursements. Keep an accurate account of all disbursements (money or property), specifying date, to whom, and from what fund paid.
4. Special Assessments. Keep a separate account of all money received from special assessments.
5. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.

[The next page is 115]

CHAPTER 19

CITY TREASURER

|  |  |
| --- | --- |
| 19.01 Appointment | 19.03 Duties of Treasurer |
| 19.02 Compensation |  |

19.01 APPOINTMENT. The Mayor shall appoint, subject to Council approval, a City Treasurer to serve for a term of two years.

19.02 COMPENSATION. The Treasurer is paid such compensation as specified by resolution of the Council.

19.03 DUTIES OF TREASURER. The duties of the Treasurer are as follows:

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

1. Reconciliation. Reconcile depository statements with the Clerk’s books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.
2. Revenues from City Utility. Serve as Treasurer of the Municipal Utilities Board of Trustees and keep the gross revenues of the utilities deposited with the Treasurer in separate accounts from each other and from other funds of the City.
3. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

[The next page is 121]

CHAPTER 20

CITY ATTORNEY

|  |  |
| --- | --- |
| 20.01 Appointment and Compensation | 20.06 Provide Legal Opinion |
| 20.02 Attorney for City | 20.07 Attendance at Council Meetings |
| 20.03 Power of Attorney | 20.08 Prepare Documents |
| 20.04 Ordinance Preparation | 20.09 Representation of City Employees |
| 20.05 Review and Comment |  |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 670.8)

[The next page is 127]

CHAPTER 21

LIBRARY BOARD OF TRUSTEES

|  |  |
| --- | --- |
| 21.01 Public Library | 21.07 Nonresident Use |
| 21.02 Library Trustees | 21.08 Expenditures |
| 21.03 Qualifications of Trustees | 21.09 Annual Report |
| 21.04 Organization of the Board | 21.10 Injury to Books or Property |
| 21.05 Powers and Duties | 21.11 Theft |
| 21.06 Contracting with Other Libraries | 21.12 Notice Posted |

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

21.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of six resident members and one non-resident 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.

21.03 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 18 years.

21.04 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.
2. Vacancies. The position of any resident Trustee shall be vacated if such member moves permanently from the City. The position of a nonresident Trustee shall be vacated if such member moves permanently from the County or into the City. The position of any Trustee shall be deemed vacated if such member is absent from six consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City or County. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.
3. Compensation. Trustees shall receive no compensation for their services.

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

1. Officers. To meet and elect from its members a Chairperson, a Vice Chairperson, and a Secretary/Treasurer, and such other officers as it deems necessary.
2. Physical Plant. To have charge, control, and supervision of the Library, its appurtenances, fixtures, and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a Librarian, and authorize the Librarian to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, prior to such employment, the compensation of the Librarian, assistants, and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.
5. Removal of Personnel. To remove the Librarian, by a two-thirds vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence, or inattention to duty, subject however, to the provisions of Chapter 35C of the *Code of Iowa*.
6. Purchases. To select, or authorize the Librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery, and supplies for the Library within budgetary limits set by the Board.
7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefor unless a contract for free service exists.
8. Rules and Regulations. To make and adopt, amend, modify, or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government, and management of the Library and the business of the Board, fixing and enforcing penalties for violations.
9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.
10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises, and bequests, including trust funds; to take the title to said property in the name of the Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.
11. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises, and bequests accepted by the City by action against the Council.
12. Record of Proceedings. To keep a record of its proceedings.
13. County Historical Association. To have authority to make agreements with the local County historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for Library purposes.

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

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

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

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

21.07 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.

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

(Code of Iowa, Sec. 384.20 and 392.5)

21.09 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.

21.10 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)

21.11 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)

21.12 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)

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

(Code of Iowa, Sec. 808.12)

[The next page is 135]

CHAPTER 22

PLANNING AND ZONING COMMISSION

|  |  |
| --- | --- |
| 22.01 Planning and Zoning Commission | 22.04 Compensation |
| 22.02 Term of Office | 22.05 Powers and Duties |
| 22.03 Vacancies |  |

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

(Code of Iowa, Sec. 414.6 & 392.1)

22.02 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)

22.03 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)

22.04 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)

22.05 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)

1. 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)

1. 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)

1. Recommendations on Improvements. At the request of the City Council, the Commission shall review and make recommendations to the Council concerning the construction of public buildings, bridges, viaducts, streets, street fixtures, public structures, and appurtenances.
2. Review and Comment on Plats. At the request of the City Council, the Commission shall review and comment on plans, plats, or re-plats of subdivisions or re-subdivisions of the subdivision or re-subdivision 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.
3. Other Improvements. At the request of the City Council, the Commission shall review and make recommendations to the Council concerning the construction, character, and location of parks, parkways, boulevards, river front improvements, memorials, and other public amenities affecting the City.
4. Fiscal Responsibilities. The Commission shall have full, complete, and exclusive authority to expend, for and on behalf of the City, all sums of money appropriated to it, and to use and expend all gifts, donations, or payments that are received by the City for City planning and zoning purposes.

(Code of Iowa, Sec. 392.1)

1. 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)

[The next page is 141]

CHAPTER 23

PARK BOARD

|  |  |
| --- | --- |
| 23.01 Board Created | 23.03 Powers and Duties |
| 23.02 Organization; Compensation |  |

23.01 BOARD CREATED. A Park Board is hereby created to advise the Council on the needed open-space facilities such as parks, playgrounds, and community facilities for other forms of recreation. The Park Board shall plan and oversee City programs and encourage other programs for the leisure time of City residents of all ages.

23.02 ORGANIZATION; COMPENSATION. The Board shall consist of five members, all residents of the City, appointed by the Mayor with the approval of the Council, for terms of three years. Vacancies shall be filled in the same manner as the original appointment for the balance of the term. The Park Board members receive no compensation.

23.03 POWERS AND DUTIES. The Park Board has the following powers and duties:

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

[The next page is 147]

CHAPTER 24

HISTORIC PRESERVATION COMMISSION

|  |  |
| --- | --- |
| 24.01 Purpose and Intent | 24.03 Structure of the Commission |
| 24.02 Definitions | 24.04 Powers of the Commission |

24.01 PURPOSE AND INTENT. The purposes of this chapter are to:

1. Promote the educational, cultural, economic, and general welfare of the public through the recognition, enhancement, and perpetuation of sites and districts of historical and cultural significance.
2. Safeguard the City’s historic, aesthetic, and cultural heritage by preserving sites and districts of historic and cultural significance.
3. Stabilize and improve property values.
4. Foster pride in the legacy of beauty and achievements of the past.
5. Protect and enhance the City’s attractions to tourists and visitors and the support and stimulus to business thereby provided.
6. Strengthen the economy of the City.
7. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the City.

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

1. “Commission” means the McGregor Historic Preservation Commission, as established by this chapter.
2. “Historic district” means an area which contains a significant portion of archaeological sites, buildings, structures, objects, or other improvements which, considered as a whole, possess integrity of location, design, setting, materials, workmanship, feeling, and association, and which area as a whole:
3. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
4. Is associated with events that have made significant contributions to the broad patterns of our local, State, or national history; or
5. Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combinations thereof which is deemed to add significantly to the value and attractiveness of properties within such area; or
6. Is associated with the lives of persons significant in our past; or
7. Has yielded, or may be likely to yield, information important in prehistory or history.
8. “Historic landmark” means a structure or building which:
9. Is associated with events that have made a significant contribution to the broad patterns of our history; or
10. Is associated with the lives of persons significant in our past; or
11. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
12. Has yielded, or may be likely to yield, information important in prehistory or history.

24.03 STRUCTURE OF THE COMMISSION.

1. The Commission shall consist of seven members. Five of the members shall be residents of the City and will make up the voting body of the Commission. Two members shall serve as advisory non-voting members who have a demonstrated interest in preservation of the history of McGregor by benefit of ownership of a historic property or are active in the research of historical properties or events of McGregor.
2. Members of the Commission shall be appointed by the Mayor with the advice and consent of the Council. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general, or real estate.
3. The Commission members are appointed for staggered terms of three years. Members may serve for more than one term. Each member shall serve until the appointment of a successor.
4. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.
5. Vacancies shall be filled by the City according to the original selection as aforesaid.
6. Members shall serve without compensation.
7. A simple majority of the Commission shall constitute a quorum for the transaction of business.
8. The Commission shall elect a Chairperson who shall preside over all Commission meetings, and elect a Secretary who shall be responsible for maintaining written records of the Commission’s proceedings.
9. The Commission shall meet at least three times a year.

24.04 POWERS OF THE COMMISSION.

1. The Commission may conduct studies for the identification and designation of historic districts and sites meeting the definitions established by this chapter. (The necessary inventory forms and procedures for their completion are available from the State Bureau of Historic Preservation.) The Commission may proceed at its own initiative or upon a petition from any person, group, or association. The Commission shall maintain records of all studies and inventories for public use.
2. The Commission may make a recommendation to the State Historic Preservation Office for the listing of an historic district or landmark in the National Register of Historic Places, and may conduct a public hearing thereon.
3. The Commission may investigate and recommend to the Council the adoption of ordinances designating historic landmarks and historic districts if they qualify as defined herein.
4. The Commission may investigate and recommend to the Council the adoption of ordinances establishing guidelines within the National Register listed commercial district.
5. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.
6. In addition to those duties and powers specified above, the Commission may, with Council approval,
7. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation.
8. Acquire, by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties.
9. Preserve, restore, maintain, and operate historic properties under the ownership or control of the Commission.
10. Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
11. Contract, with the approval of the governing body, with State or federal government or other organizations.
12. Cooperate with federal, State, and local governments in the pursuance of the objectives of historic preservation.
13. Provide information for the purpose of historic preservation to the Council.

[The next page is 155]

CHAPTER 25

UTILITY BOARD OF TRUSTEES

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

25.01 PURPOSE. The purpose of this chapter is to provide for the operation of the municipally owned electric and water utilities by a Board of Trustees.

25.02 BOARD ESTABLISHED. Pursuant to an election held December 18, 1942, the management and control of the municipally owned electric utility and water utility were placed in the hands of a Board of Trustees.

(Code of Iowa, Sec. 388.2)

25.03 APPOINTMENT OF TRUSTEES. The Mayor shall appoint, subject to the approval of the Council, five persons to serve as trustees for staggered six-year terms. No public officer or salaried employee of the City shall serve on the Utilities Board.

(Code of Iowa, Sec. 388.3)

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

(Code of Iowa, Sec. 388.3)

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

(Code of Iowa, Sec. 388.3)

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

(Code of Iowa, Sec. 388.4)

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

Code of Iowa, Sec. 388.4[1])

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

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

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

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

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

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

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

(Code of Iowa, Sec. 388.5)

25.08 ACCOUNTING. Utility moneys are held in a separate utility fund, with a separate account for each utility.

(Code of Iowa, Sec. 388.5)

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

(Code of Iowa, Sec. 388.6)

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

(Code of Iowa, Sec. 388.2)

[The next page is 161]

CHAPTER 26

DOCK COMMISSION

|  |  |
| --- | --- |
| 26.01 Establishment | 26.04 Compensation |
| 26.02 Number and Term | 26.05 Powers and Duties |
| 26.03 Vacancies | 26.06 Riverfront Defined |

26.01 ESTABLISHMENT. There shall be established a Dock Commission consisting of residents of the City qualified by knowledge or experience to act in matters pertaining to river and riverfront recreation and development of riverfront facilities and who do not hold any elective office in City government.

26.02 NUMBER AND TERM. The Commission shall consist of five members appointed by the Mayor and approved by the Council for staggered terms of three years.

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

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

26.05 POWERS AND DUTIES. The Dock Commission shall have the following powers and duties:

1. Meetings. The Dock Commission shall meet quarterly on the fourth Tuesday of January and the second Tuesday of April, July, and October. Annually, at its January meeting, following appointment of new members, the Commission shall choose a Chairperson and Vice Chairperson who shall serve in the Chairperson’s absence.
2. Annual Report. Report to the Mayor and Council all activities and progress of the preceding recreational season and recommendations for activities and development of the following fiscal year.
3. Make Recommendations. Review and make recommendations on matters pertaining to boat docking, riverfront leases, riverfront recreation, future riverfront development, and the rules and regulations governing the use of the riverfront. All rules and regulations governing the use of the riverfront shall be enacted by a resolution of the Council.
4. Contracts. Have no authority to enter into any contracts or agreements that would be binding on the City except for entering into leases of the riverfront property that are not more than three years in length. The leasing of any riverfront property for a term of more than three years shall be approved by the Council by resolution after the Council has complied with Section 364.7 of the *Code of Iowa*.
5. Expenditures. Have the authority to expend all dock fees or lease fees for riverfront properties on riverfront maintenance and improvement. The Dock Commission shall have no authority to expend any other money or capital except as authorized by the Council.
6. Applications. Accept applications from McGregor residents desiring space on the riverfront. The term McGregor resident shall mean persons residing within the corporate limits of the City. The application shall be in writing, stating the name, address, and phone number of the applicant and the proposed use of the riverfront for which the application is made. The applications shall be kept on file by the Commission. Except as provided in Subsection 9 hereof, available riverfront spaces shall be made available to applicants in the chronological order of the application submitted. Applications by spouses shall be considered made by both spouses with right of survivorship.
7. Fees. Recommend each year to the Council at its regular November Council meeting the annual dock fee to be charged for the following year. The dock fee shall be set for the following year by the Council by a resolution at such meeting. All noncommercial users of the waterfront shall be charged the same charge per foot for riverfront space, and all commercial users shall be charged the same charge per foot for all riverfront space. All lease fees or dock fees shall be paid to the Dock Commission on or before May 1 each year.
8. Docks and Other Users. Have the exclusive right to establish the respective property lines as between applicants for riverfront space. The owner or operator of any dock, boathouse, float, landing, or other user of riverfront space shall be required to maintain such property in a manner approved by the Dock Commission, must locate where the Commission directs, and comply with all of the rules and regulations of the Commission.
9. Subleases of Space. Authorize in writing the sublease or other disposal of space granted by the Commission. A lessee of riverfront property shall be granted a first option for renewal of the annual lease of the same riverfront space as previously held. All lessees under this chapter shall strictly comply with all requests and rules of the U.S. Corps of Engineers, the U.S. Coast Guard, and the State Department of Natural Resources.
10. Changes in Lease Forms. Make changes in lease forms used for all commercial and noncommercial river frontage leases, which changes shall be approved by resolution of the Council.

26.06 RIVERFRONT DEFINED. The term “riverfront” means that area starting from the southeast corner of Government Lot 4 in the Southeast Quarter of the Northeast Quarter of Section 2 of Township 95 North, Range 3 West of the 5th P.M., in Clayton County, Iowa, and extending northerly parallel with the river to the north line of Lot 34 of the Giard Land Company River Addition to the City of McGregor, Clayton County, Iowa.

[The next page is 173]

CHAPTER 28

CITY TREE BOARD

|  |  |
| --- | --- |
| 28.01 Purpose | 28.06 Operation |
| 28.02 Creation and Establishment of City Tree Board | 28.07 Authority and Jurisdiction |
| 28.03 Term of Office | 28.08 Duties |
| 28.04 Vacancy | 28.09 Interference with City Tree Board |
| 28.05 Compensation | 28.10 Review by Council |

28.01 PURPOSE. It is the purpose of this chapter to promote and protect the public health, safety, and general welfare of the City by establishing a Tree Board to oversee tree planting and tree maintenance needs of City property, and to promote citizen involvement and education to enhance the City’s community tree resources.

28.02 CREATION AND ESTABLISHMENT OF CITY TREE BOARD. There is hereby created and established a City Tree Board, which shall consist of five members, citizens and residents of the City, who shall be appointed by the Mayor with the approval of the Council.

28.03 TERM OF OFFICE. The full term of office for members of the City Tree Board is three years. The terms shall be staggered. The terms of no more than two members shall expire in any one year.

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

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

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

28.07 AUTHORITY AND JURISDICTION. Under the supervision and authority of the Council, the Tree Board has the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other publicly owned property to ensure safety or preserve and enhance the aesthetics of such public sites.

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

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

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

[The next page is 185]

CHAPTER 30

LAW ENFORCEMENT

30.01 LAW ENFORCEMENT. Pursuant to Chapter 28E of the *Code of Iowa*, the City has entered into a contract agreement with the Mar-Mac Unified Law Enforcement District for law enforcement within the City.

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

[The next page is 205]

CHAPTER 35

FIRE PROTECTION

35.01 JOINT AGREEMENT. A fire protection agreement was entered into on December 17, 1997 by the City of McGregor, the City of Marquette, Mendon Township, and the McGregor Hook and Ladder Company, pursuant to Chapter 28E of the *Code of Iowa*, to provide combined services and response for emergency protection to the surrounding area.

[The next page is 211]

CHAPTER 36

MAR-MAC EMERGENCY SQUAD

|  |  |
| --- | --- |
| 36.01 Purpose | 36.04 Control of Funds |
| 36.02 Organization | 36.05 Annual Reports |
| 36.03 Board of Directors |  |

36.01 PURPOSE. The purpose of this chapter is to provide a framework for City Council approval of appointments to the Mar-Mac Emergency Squad, Inc. of McGregor, Iowa, Board of Directors.

36.02 ORGANIZATION. The Mar-Mac Emergency Squad, Inc. of McGregor, Iowa, is an Iowa non-profit corporation existing by virtue of the provisions of Chapter 504A of the *Code of Iowa*, whose articles of incorporation provide for a Board of Directors of nine persons and whose by-laws require City Council approval of five appointments to the Board of Directors.

36.03 BOARD OF DIRECTORS. The affairs of the Mar-Mac Emergency Squad, Inc. of McGregor, Iowa, shall be managed by its Board of Directors. The five Directors, whose appointment requires City Council approval, shall be residents of the Mar-Mac Emergency Squad service area, as determined by the Mar-Mac Emergency Squad. At least 60 days prior to the expiration of a Council approved Director’s term, or as soon as is reasonably possible after a vacancy occurs for any other reason in the office of a Council approved Director; the Mar-Mac Emergency Squad shall appoint a successor Director. The appointment shall be submitted to the Council for approval at its next meeting. Upon the Council’s approval, the successor Director shall be considered qualified to take office for the successive term or the term for which the vacancy exists, as may be the case.

36.04 CONTROL OF FUNDS. The Mar-Mac Emergency Squad shall control all revenues allocated to it.

36.05 ANNUAL REPORTS. On or before March 1 of each year, the Mar-Mac Emergency Squad shall provide the Council a financial statement showing the Mar-Mac Emergency Squad receipts and disbursements for the previous calendar year and certify a copy of its current articles of incorporation and by-laws.

[The next page is 225]

CHAPTER 40

PUBLIC PEACE

|  |  |
| --- | --- |
| 40.01 Assault | 40.06 Jake Brakes Prohibited |
| 40.02 Harassment | 40.07 Sitting or Standing on Public Streets, Alleys, or Public |
| 40.03 Disorderly Conduct | Parking Areas Prohibited |
| 40.04 Failure to Disperse | 40.08 Loitering |
| 40.05 Disturbing the Peace |  |

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])

1. 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:
2. 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)

1. 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)

1. 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)

1. 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)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. “Deface” means to intentionally mar the external appearance.
2. “Defile” means to intentionally make physically unclean.
3. “Flag” means a piece of woven cloth or other material designed to be flown from a pole or mast.
4. “Mutilate” means to intentionally cut up or alter so as to make imperfect.
5. “Show disrespect” means to deface, defile, mutilate, or trample.
6. “Trample” means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.

This subsection does not apply to a flag retirement ceremony conducted pursuant to federal law.

1. 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:
2. Make loud and raucous noise that causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.
3. 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.
4. Disturb or disrupt the funeral, memorial service, funeral procession, or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession, or burial.

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

(Code of Iowa, Sec. 723.5)

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

(Code of Iowa, Sec. 723.3)

40.05 DISTURBING THE PEACE. In order to preserve the peace, good order, and tranquility of the community, it is unlawful for any person to use obscene language or make threatening or obscene gestures, or make any loud, unnecessary, or unusual noise, which disturbs the public peace or is injurious to the general welfare of the community.

**40.06 JAKE BRAKES PROHIBITED.** No truck being operated on any street or highway within the City shall use the engine back-pressure braking systems commonly known as “jake brakes.”

40.07 SITTING OR STANDING ON PUBLIC STREETS, ALLEYS, OR PUBLIC PARKING AREAS PROHIBITED. It is unlawful for any person to do any of the following:

1. To sit or stand upon the streets, alleys, or public parking areas except during parades or civic activities where said streets, alleys, or public parking areas are closed to regular vehicular traffic by authority of the Mayor or Council.

2. To sit upon the sidewalk or curb and in so doing allow any part of the human body to rest upon the streets, alleys, or public parking areas except during parades or civic activities where said streets, alleys, or public parking areas are closed to regular traffic by authority of the Mayor or Council.

**40.08 LOITERING.** It is unlawful for any person to stand, loaf, loiter, or congregate about or upon any stairway, doorway, window, or in front of any business house, dwelling house, theater, lecture room, church, playground, park, vacant lot, or on sidewalks or the corners of streets, or elsewhere in the City and by so doing obstruct or interfere with persons entering, passing out of, or occupying any such building or premises, or, by language, conduct, or conversation, to annoy, insult, or disturb persons passing along the streets, sidewalks, or alleys or occupying, residing, or doing business in any of the said houses, places, or premises, or passing into or out of the same.

[The next page is 233]

CHAPTER 41

PUBLIC HEALTH AND SAFETY

|  |  |
| --- | --- |
| 41.01 Distributing Dangerous Substances | 41.09 Antenna and Radio Wires |
| 41.02 False Reports to or Communications with Public | 41.10 Barbed Wire and Electric Fences |
| Safety Entities | 41.11 Discharging Weapons |
| 41.03 Providing False Identification Information | 41.12 Throwing and Shooting |
| 41.04 Refusing to Assist Officer | 41.13 Urinating and Defecating |
| 41.05 Harassment of Public Officers and Employees | 41.14 Fireworks |
| 41.06 Interference with Official Acts | 41.15 Hunting and Trapping |
| 41.07 Removal of an Officer’s Communication or | 41.16 Feeding of Deer Prohibited |
| Control Device | 41.17 Failure to Assist |
| 41.08 Abandoned or Unattended Refrigerators |  |

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

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

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

(Code of Iowa, Sec. 719.1A)

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

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

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

(Code of Iowa, Sec. 719.1)

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

(Code of Iowa, Sec. 708.12)

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

(Code of Iowa, Sec. 727.3)

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

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

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

41.11 DISCHARGING WEAPONS.

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

41.12 THROWING AND SHOOTING. 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.

(Code of Iowa, Sec. 727.2)

1. Definitions. For purposes of this section:
2. “Consumer fireworks” means the following fireworks, as described in Chapter 3 of the American Pyrotechnics Association (“APA”) Standard 87-1:

(1) First-class consumer fireworks:

a. Aerial shell kits and reloadable tubes;

b. Chasers;

c. Helicopters and aerial spinners;

d. Firecrackers;

e. Mine and shell devices;

f. Missile-type rockets;

g. Roman candles;

h. Sky rockets and bottle rockets;

i. Multiple tube devices under this paragraph which are manufactured in accordance with APA Standard 87-1, Section 3.5.

(2) Second-class consumer fireworks:

a. Cone fountains;

b. Cylindrical fountains;

c. Flitter sparklers;

d. Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA Standard 87-1, Section 3.5;

e. Ground spinners;

f. Illuminating torches;

g. Toy smoke devices that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2;

h. Wheels;

i. Wire or dipped sparklers that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2.

1. “Display fireworks” includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. “Display fireworks” does not include novelties or consumer fireworks enumerated in Chapter 3 of the APA Standard 87-1.
2. “Novelties”includes all novelties enumerated in Chapter 3 of the APA Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.
3. Display Fireworks. It is unlawful for any person to use or explode any display fireworks; provided, the City Council may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the City when the display fireworks will be handled by a competent operator, but no such permit shall be required for the display of display fireworks at the Iowa State Fairgrounds by the Iowa State Fair Board, at incorporated county fairs, or at district fairs receiving State aid.. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:
4. Personal Injury: $250,000.00 per person
5. Property Damage: $50,000.00
6. Total Exposure: $1,000,000.00
7. Consumer Fireworks. It is unlawful for any person to use or explode consumer fireworks within the City.
8. Novelties. This section does not apply to novelties.

41.15 HUNTING AND TRAPPING. No person shall hunt with a firearm, bow and arrow, spear, or any other device capable of inflicting death or injury to any animal or person, or set traps of any kind, except traps for pest or nuisance control, within the corporate City limits. However, bow and arrow deer hunting will be allowed under the provisions and rules established on an annual basis by Council resolution.

41.16 FEEDING OF DEER PROHIBITED.

1. No owner or occupier of land within the City shall feed, cause to be fed, or provide or make available food or other substances for the consumption of deer within the City, either on private property or on public property. Feeding deer the following food is expressly prohibited: salt, corn, apples, cabbage, potatoes, acorns, oats, carrots, beets, straw, hay, fodder, or any combination thereof.

2. This section shall not apply to the following situations:

A. Naturally growing plants, including gardens and residue from lawns, gardens, and other plant materials maintained as a mulch pile.

B. Enclosed commercially purchased bird feeders or their equivalent; and open or exposed bird feeders that are more than six feet above ground level.

C. Deer feeding specifically authorized by the Council on a temporary basis for a specific public purpose.

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

(Code of Iowa, Sec. 727.12)

[The next page is 243]

CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

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

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)

1. Definitions. For purposes of this section:

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

1. “Property” includes any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure, whether publicly or privately owned.
2. “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*.
3. “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.
4. “Railway corporation” means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within this State.
5. “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.
6. “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.

1. Specific Exceptions. “Trespass” does not mean either of the following:

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

1. 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.
2. Entering upon the right-of-way of a public road or highway.

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

42.04 UNAUTHORIZED ENTRY. No unauthorized person shall enter or remain in or upon any public building, premises, or grounds in violation of any notice posted thereon or when said building, premises or grounds are closed and not open to the public. When open to the public, a failure to pay any required admission fee also constitutes an unauthorized entry.

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)

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

1. Chapter 21 – Library
2. Section 21.10 – Injury to Books or Property
3. Section 21.11 – Theft of Library Property
4. Chapter 105 – Solid Waste Control and Recycling
5. Section 105.07 – Littering Prohibited
6. Chapter 135 – Street Use and Maintenance
7. Section 135.01 – Removal of Warning Devices
8. Section 135.02 – Obstructing or Defacing
9. Section 135.03 – Placing Debris On
10. Section 135.04 – Playing In
11. Section 135.05 – Traveling on Barricaded Street or Alley
12. Section 135.08 – Burning Prohibited
13. Section 135.12 – Dumping of Snow
14. Chapter 136 – Sidewalk Regulations
15. Section 136.11 – Interference with Sidewalk Improvements
16. Section 136.15 – Fires or Fuel on Sidewalks
17. Section 136.16 – Defacing
18. Section 136.17 – Debris on Sidewalks
19. Section 136.18 – Merchandise Display
20. Section 136.19 – Sales Stands

[The next page is 251]

CHAPTER 43

DRUG PARAPHERNALIA

|  |  |
| --- | --- |
| 43.01 Purpose | 43.05 Possession of Drug Paraphernalia |
| 43.02 Controlled Substance Defined | 43.06 Manufacture, Delivery, or Offering For Sale |
| 43.03 Drug Paraphernalia Defined | 43.07 Advertisement of Drug Paraphernalia |
| 43.04 Determining Factors |  |

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

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

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

1. Growing Kits. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
2. Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
3. Isomerization Devices. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
4. Testing Equipment. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.
5. Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
6. Diluents. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting controlled substances.
7. Separators; Sifters. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
8. Mixing Devices. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances.
9. Containers. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. Storage Containers. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. Injecting Devices. Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
12. Ingesting-Inhaling Device. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:
13. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
14. Water pipes;
15. Carburetion tubes and devices;
16. Smoking and carburetion masks;
17. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;
18. Miniature cocaine spoons and cocaine vials;
19. Chamber pipes;
20. Carburetor pipes;
21. Electric pipes;
22. Air driven pipes;
23. Chillums;
24. Bongs;
25. Ice pipes or chillers.

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

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

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

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

43.07 ADVERTISEMENT OF DRUG PARAPHERNALIA. It is unlawful for any person to place or accept for placement in any newspaper, magazine, handbill, or other publication any advertisement, knowing or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

[The next page is 265]

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 | 45.04 Social Host |

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

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

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

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

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

(Section 45.01 – Ord. 08-03-2022 – Aug. 22 Supp.)

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

1. As used in this section unless the context otherwise requires:
2. “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*.
3. “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.
4. “Peace officer” means the same as defined in Section 801.4 of the *Code of Iowa*.
5. “School” means a public or private school or that portion of a public or private school that provides teaching for any grade from kindergarten through grade twelve.
6. A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a retail alcohol license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated in a public place. (Ord. 08-03-2022 – Aug. 22 Supp.)
7. A person shall not simulate intoxication in a public place.
8. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person’s own expense. If a device approved by the Commissioner of Public Safety for testing a sample of a person’s breath to determine the person’s blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person’s blood, breath, or urine established by the results of a chemical test performed within two hours after the person’s arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

(Code of Iowa, Sec. 123.46)

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

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

(Code of Iowa, Sec. 123.47)

[The next page is 271]

CHAPTER 46

MINORS

|  |  |
| --- | --- |
| 46.01 Curfew | 46.03 Contributing to Delinquency |
| 46.02 Cigarettes and Tobacco | 46.04 Minors in Taverns |

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:
2. “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.
3. “Knowingly” means knowledge that a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult’s custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable standard of adult responsibility through an objective test. It is therefore no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.
4. “Minor” means any unemancipated person under the age of 18 years.
5. “Nonsecured custody” means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room that is not designed, set aside, or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a law enforcement officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person’s parents or other responsible adult or for other administrative purposes; but not for longer than six hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.
6. “Public place” includes stores, parking lots, parks, playgrounds, streets, alleys, and sidewalks dedicated to public use and also includes such parts of buildings and other premises, whether publicly or privately owned, that are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access. For purposes of this section, a vehicle or other conveyance is considered to be a public place when in the areas defined above.
7. “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.
8. “Unemancipated” means unmarried and/or still under the custody or control of a responsible adult.
9. Curfew Established. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City between the hours of 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday evenings to 6:00 a.m. of the following morning, or from 11:00 p.m. on Friday and Saturday evenings to 6:00 a.m. of the following morning.
10. Exceptions. The following are exceptions to the curfew:
11. The minor is accompanied by a responsible adult.
12. 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.
13. 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 hour after the end or before the beginning of work;

(2) Minor’s place of religious activity or, if traveling, within one hour after the end or before the beginning of the religious activity;

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

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

1. The minor is on an emergency errand for a responsible adult;
2. The minor is engaged in interstate travel through the City beginning, ending or passing through the City when such travel is by direct route.
3. 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.
4. Enforcement Procedures.
5. 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.
6. Grounds for Arrest; Conditions of Custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the ordinance; refuses to provide proper identification or to identify himself or herself; or constitutes an immediate threat to the person’s own safety or to the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any nonsecured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.
7. 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.
8. 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.
9. Penalties.
10. Responsible Adult’s First Violation. In the case of a first violation by a minor, the law enforcement officer shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.
11. Responsible Adult’s Second Violation. Any responsible adult as defined in this section who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section is guilty of a municipal infraction.
12. 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.
13. Minor’s Second Violation. For the minor’s second and subsequent violations of any of the provisions of this section, the minor is guilty of a municipal infraction.

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

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

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

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

46.04 MINORS IN TAVERNS. It is unlawful for any minor (unless accompanied by a parent or legal guardian) to enter, remain in, or frequent a business establishment which sells liquor, wine, or beer for on-premises consumption unless over 50 percent of the dollar volume of the business establishment comes from the sale and serving of prepared foods. The provisions of this section do not apply to premises having a Class C beer permit.

[The next page is 301]

CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

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

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

(Code of Iowa, Sec. 657.1)

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

(Code of Iowa, Sec. 657.2)

1. Offensive Smells. Erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture that, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.
2. Filth or Noisome Substance. Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
3. Impeding Passage of Navigable River. Obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
4. Water Pollution. Corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. Blocking Public and Private Ways. Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
6. Billboards. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, that so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard, or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.06)**
7. Storing of Flammable Junk. Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**
8. Air Pollution. Emission of dense smoke, noxious fumes, or fly ash.
9. Weeds, Brush. Dense growth of all weeds, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard.
10. Dutch Elm Disease. Trees infected with Dutch elm disease. **(See also Chapter 151)**
11. Airport Air Space. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
12. Houses of Ill Fame. Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the *Code of Iowa* or places resorted to by persons using controlled substances, as defined in Section 124.101 of the *Code of Iowa*, in violation of law, or houses where drunkenness, quarreling, fighting, or breaches of the peace are carried on or permitted to the disturbance of others.

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. Storage and Disposal of Solid Waste **(See Chapter 105)**
3. Dangerous Buildings **(See Chapter 145)**
4. Trees **(See Chapter 151)**
5. Lawn Maintenance **(See Chapter 152)**

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: [[3]](#footnote-3)†
2. Description of Nuisance. A description of what constitutes the nuisance.
3. Location of Nuisance. The location of the nuisance.
4. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
5. Reasonable Time. A reasonable time within which to complete the abatement.
6. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.
7. 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])

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

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

1. 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])

1. 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])

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

(Code of Iowa, Sec. 364.13)

1. 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.

[The next page is 309]

CHAPTER 51

JUNK AND JUNK VEHICLES

|  |  |
| --- | --- |
| 51.01 Definitions | 51.04 Exceptions |
| 51.02 Junk and Junk Vehicles Prohibited | 51.05 Notice to Abate |
| 51.03 Junk and Junk Vehicles a Nuisance |  |

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

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

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

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

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

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

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

51.04 EXCEPTIONS. The provisions of this chapter do not apply to any junk or a junk vehicle stored within:

1. Structure. A garage or other enclosed structure; or
2. Salvage Yard. An auto salvage yard or junk yard lawfully operated within the City.

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

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

[The next page is 325]

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

|  |  |
| --- | --- |
| 55.01 Definitions | 55.12 Rabies Vaccination |
| 55.02 Animal Neglect | 55.13 Owner’s Duty |
| 55.03 Livestock Neglect | 55.14 Confinement |
| 55.04 Abandonment of Cats and Dogs | 55.15 At Large: Impoundment |
| 55.05 Livestock | 55.16 Disposition of Animals |
| 55.06 At Large Prohibited | 55.17 Impounding Costs |
| 55.07 Damage or Interference | 55.18 Pet Awards Prohibited |
| 55.08 Cleaning Up After Animals | 55.19 Tampering With A Rabies Vaccination Tag |
| 55.09 Annoyance or Disturbance | 55.20 Tampering With An Electronic Handling Device |
| 55.10 Vicious Dogs and Pit Bull Dogs | 55.21 Controlled Livestock Grazing |
| 55.11 Number of Animals Restricted |  |

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

1. “Advertise” means to present a commercial message in any medium, including (but not limited to) print, radio, television, sign, display, label, tag, or articulation.

(Code of Iowa, Sec. 717E.1)

1. “Animal” means a nonhuman vertebrate.

(Code of Iowa, Sec. 717B.1)

1. “Animal shelter” means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.

(Code of Iowa, Sec. 162.2)

1. “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.
2. “Business” means any enterprise relating to any of the following:

(Code of Iowa, Sec. 717E.1)

1. The sale or offer for sale of goods or services.
2. A recruitment for employment or membership in an organization.
3. A solicitation to make an investment.
4. An amusement or entertainment activity.
5. “Commercial establishment” means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.

(Code of Iowa, Sec. 717.B1)

1. “Fair” means any of the following:

(Code of Iowa, Sec. 717E.1)

1. 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*.
2. An exhibition of agricultural or manufactured products.
3. An event for operation of amusement rides or devices or concession booths.
4. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the *Code of Iowa*.

(Code of Iowa, Sec. 717E.1)

1. “Injury” means an animal’s disfigurement; the impairment of an animal’s health; or an impairment to the functioning of an animal’s limb or organ, or the loss of an animal’s limb or organ.

(Code of Iowa, Sec. 717.B1)

1. “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)

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

(Code of Iowa, Sec. 717E.1)

1. “Pound” means a facility for the prevention of cruelty to animals operated by the State, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.

(Code of Iowa, Sec. 162.2)

1. “Research facility” means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in the State concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

(Code of Iowa, Sec. 162.2)

1. “Veterinarian” means a veterinarian licensed pursuant to Chapter 169 of the *Code of Iowa* who practices veterinary medicine in the State.

(Code of Iowa, Sec. 717.B1)

55.02 ANIMAL NEGLECT.

1. It is unlawful for a person who owns or has custody of an animal and confines that animal to fail to provide the animal with any of the following conditions for the animal’s welfare:

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

1. Access to food in an amount and quality reasonably sufficient to satisfy the animal’s basic nutrition level to the extent that the animal’s health or life is endangered.
2. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal’s basic hydration level to the extent that the animal’s health or life is endangered. Access to snow or ice does not satisfy this requirement.
3. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal’s health or life is endangered.
4. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal’s health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.
5. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.
6. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal’s distress from any of the following:

(1) A condition caused by failing to provide for the animal’s welfare as described in this section.

(2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.

1. This section does not apply to any of the following:
2. A person operating a commercial establishment under a valid authorization issued or renewed under Section 162.2A of the *Code of Iowa*, or a person acting under the direction or supervision of that person, if all of the following apply:

(1) The animal, as described in Subsection 1, was maintained as part of the commercial establishment’s operation.

(2) In providing conditions for the welfare of the animal, as described in Subsection 1, the person complied with the standard of care requirements provided in Section 162.10A[1] of the *Code of Iowa*, including any applicable rules adopted by the Department of Agriculture and Land Stewardship applying to: (i) a State licensee or registrant operating pursuant to Section 162.10A[2a] or [2b] of the *Code of Iowa*; or (ii) a permittee operating pursuant to Section 162.10A[2c] of the *Code of Iowa*.

1. A research facility if the research facility has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship pursuant to Chapter 162of the *Code of Iowa*, and performs functions within the scope of accepted practices and disciplines associated with the research facility.

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

(Code of Iowa, Sec. 717.2)

55.04 ABANDONMENT OF CATS AND DOGS. It is unlawful for a person who owns or has custody of a cat or dog to relinquish all rights in and duties to care for the cat or dog. This section does not apply to any of the following:

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

1. The delivery of a cat or dog to another person who will accept ownership and custody of the cat or dog.
2. The delivery of a cat or dog to an animal shelter or that has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship under Chapter 162 of the *Code of Iowa*.
3. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat’s sterilization by a veterinarian.

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

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 CLEANING UP AFTER ANIMALS. It is the duty of every person owning or having custody or control of an animal to clean up and remove the feces deposited by such animal at all times when said animal is not on the owner’s premises. Such animal feces shall be disposed of in a sanitary manner.

55.09 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.

55.10 VICIOUS DOGS AND PIT BULL DOGS. It is unlawful for any person to harbor or keep a pit bull dog or a vicious dog within the City. A dog is deemed to be vicious when it has attacked or bitten any person without provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner.

55.11 NUMBER OF ANIMALS RESTRICTED. No person or persons combined shall own, possess, or keep within the City more than three mature animals, including dogs, in any one household. This section does not apply to a person who operates a commercial kennel as a bona fide business with the intent to make a profit.

55.12 RABIES VACCINATION. Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person’s possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in State or federally licensed kennels and not allowed to run at large are not subject to these vaccination requirements. Every dog which is over six months of age shall wear a collar with a valid rabies vaccination tag attached to the collar when outside the owner’s dwelling.

(Code of Iowa, Sec. 351.33)

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

(Code of Iowa, Sec. 351.38)

55.14 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after 10 days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

55.15 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.

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

(Code of Iowa, Sec. 351.37, 351.41)

55.17 IMPOUNDING COSTS. Impounding costs and boarding costs shall be as established by Council resolution.

(Code of Iowa, Sec. 351.37)

55.18 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
2. A prize for participating in a game.
3. A prize for participating in a fair.
4. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
5. An inducement or condition for executing a contract that includes provisions unrelated to the ownership, care, or disposition of the pet.
6. Exceptions. This section does not apply to any of the following:
7. 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.
8. 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.

55.19 TAMPERING WITH A RABIES VACCINATION TAG.  It is unlawful to tamper with a rabies vaccination tag.

(Code of Iowa, Sec. 351.45)

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:
2. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in Section 351.35 of the *Code of Iowa*.
3. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in Sections 351.25 and 351.26 of the *Code of Iowa*.
4. This section shall not apply to an act taken by any of the following:
5. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
6. A peace officer.
7. A veterinarian.
8. An animal shelter or pound.

55.20 TAMPERING WITH AN ELECTRONIC HANDLING DEVICE.  It is unlawful to tamper with an electronic handling device.

(Code of Iowa, Sec. 351.46)

1. A person commits the offense of tampering with an electronic handling device if all of the following apply:
2. The person knowingly removes, disables, or destroys an electronic device designed and used to maintain custody or control of the dog or modify the dog’s behavior.
3. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including (but not limited to) a collar, harness, or vest.
4. This section shall not apply to an act taken by any of the following:
5. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
6. A peace officer.
7. A veterinarian.
8. An animal shelter or pound.

55.21 CONTROLLED LIVESTOCK GRAZING. Controlled livestock grazing is allowed in accordance with the City’s policy.

[The next page is 365]

CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

|  |  |
| --- | --- |
| 60.01 Title | 60.05 Reports of Traffic Accidents |
| 60.02 Definitions | 60.06 Peace Officer’s Authority |
| 60.03 Administration and Enforcement | 60.07 Obedience to Peace Officers |
| 60.04 Power to Direct Traffic | 60.08 Parades Regulated |

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the “McGregor Traffic Code” (and are referred to herein as the “Traffic Code.”)

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

(Code of Iowa, Sec. 321.1)

1. “Business District” means the territory contiguous to and including a highway when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.
2. “MPH” means miles per hour.
3. “Parade” means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
4. “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.
5. “Peace officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
6. “Residence district” means the territory contiguous to and including a highway not comprising a business, suburban, or school district, where 40 percent or more of the frontage on such a highway for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business.
7. “School district” means the territory contiguous to and including a highway for a distance of 200 feet in either direction from a schoolhouse.
8. “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.
9. “Stop” means when required, the complete cessation of movement.
10. “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.
11. “Suburban district” means all other parts of the City not included in the business, school, or residence districts.
12. “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.
13. “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

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

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

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

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

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

(Code of Iowa, Sec. 321.273)

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

(Code of Iowa, Sec. 321.492)

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

(Code of Iowa, Sec. 321.229)

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

1. Permit Required. No parade shall be conducted without first obtaining a written permit from the Clerk. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit.
2. Parade Not A Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.
3. Control by Police and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

[The next page is 373]

CHAPTER 61

TRAFFIC CONTROL DEVICES

|  |  |
| --- | --- |
| 61.01 Installation | 61.04 Standards |
| 61.02 Crosswalks | 61.05 Compliance |
| 61.03 Traffic Lanes |  |

61.01 INSTALLATION. The Council 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 Council shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

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

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

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

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

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

(Code of Iowa, Sec. 321.255)

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

(Code of Iowa, Sec. 321.256)

[The next page is 379]

CHAPTER 62

GENERAL TRAFFIC REGULATIONS

|  |  |
| --- | --- |
| 62.01 Violation of Regulations | 62.05 Quiet Zones |
| 62.02 Play Streets Designated | 62.06 Obstructing View at Intersections |
| 62.03 Vehicles on Sidewalks | 62.07 Milling |
| 62.04 Clinging to Vehicle | 62.08 Loud Stereo or Radio |

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

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.32 – Registration card, carried and exhibited; exception.
3. Section 321.37 – Display of plates.
4. Section 321.38 – Plates, method of attaching, imitations prohibited.
5. Section 321.57 – Operation under special plates.
6. Section 321.67 – Certificate of title must be executed.
7. Section 321.78 – Injuring or tampering with vehicle.
8. Section 321.79 – Intent to injure.
9. Section 321.91 – Limitation on liability; penalty for abandonment.
10. Section 321.98 – Operation without registration.
11. Section 321.99 – Fraudulent use of registration.
12. Section 321.104 – Penal offenses against title law.
13. Section 321.115 – Antique vehicles; model year plates permitted.
14. Section 321.174 – Operators licensed; operation of commercial vehicles.
15. Section 321.174A – Operation of motor vehicle with expired license.
16. Section 321.180 – Instruction permits, commercial learner’s permits, and chauffeur’s instruction permits.
17. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
18. Section 321.193 – Restrictions on licenses; penalty.
19. Section 321.194 – Special minors’ licenses.
20. Section 321.208A – Operation in violation of out-of-service order; penalties.
21. Section 321.216 – Unlawful use of license and nonoperator’s identification card; penalty.
22. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.
23. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain tobacco, tobacco products alternative nicotine products, vapor products, or cigarettes.
24. Section 321.218 – Operating without valid driver’s license or when disqualified; penalties.
25. Section 321.219 – Permitting unauthorized minor to drive.
26. Section 321.220 – Permitting unauthorized person to drive.
27. Section 321.221 – Employing unlicensed chauffeur.
28. Section 321.222 – Renting motor vehicle to another.
29. Section 321.223 – Driver’s license inspection for motor vehicle rental.
30. Section 321.224 – Record kept.
31. Section 321.232 – Speed detection jamming devices; penalty.
32. Section 321.234A – All-terrain vehicles, highway use.
33. Section 321.235A – Electric personal assistive mobility devices.
34. Section 321.235B – Low-speed electric bicycles.
35. Section 321.247 – Golf cart operation on City streets.
36. Section 321.257 – Official traffic control signal.
37. Section 321.259 – Unauthorized signs, signals or markings.
38. Section 321.260 – Interference with devices, signs, or signals; unlawful possession; traffic signal preemption devices.
39. Section 321.262 – Leaving scene of traffic accident prohibited; vehicle damage only; removal of vehicles.
40. Section 321.263 – Information and aid; leaving scene of personal injury accident.
41. Section 321.264 – Striking unattended vehicle.
42. Section 321.265 – Striking fixtures upon a highway.
43. Section 321.266 – Reporting accidents.
44. Section 321.275 – Operation of motorcycles and motorized bicycles.
45. Section 321.276 – Use of electronic communication device while driving; text-messaging.
46. Section 321.277 – Reckless driving.
47. Section 321.277A – Careless driving.
48. Section 321.278 – Drag racing prohibited.
49. Section 321.281 – Actions against bicyclists.
50. Section 321.284 – Open container in motor vehicles, drivers.
51. Section 321.284A – Open container in motor vehicles, passengers.
52. Section 321.288 – Control of vehicle; reduced speed.
53. Section 321.295 – Limitation on bridge or elevated structures.
54. Section 321.297 – Driving on right-hand side of roadways; exceptions.
55. Section 321.298 – Meeting and turning to right.
56. Section 321.299 – Overtaking a vehicle.
57. Section 321.302 – Overtaking and passing.
58. Section 321.303 – Limitations on overtaking on the left.
59. Section 321.304 – Prohibited passing.
60. Section 321.306 – Roadways laned for traffic.
61. Section 321.307 – Following too closely.
62. Section 321.309 – Towing.
63. Section 321.310 – Towing four-wheel trailers.
64. Section 321.312 – Turning on curve or crest of grade.
65. Section 321.313 – Starting parked vehicle.
66. Section 321.314 – When signal required.
67. Section 321.315 – Signal continuous.
68. Section 321.316 – Stopping.
69. Section 321.317 – Signals by hand and arm or signal device.
70. Section 321.318 – Method of giving hand and arm signals.
71. Section 321.319 – Entering intersections from different highways.
72. Section 321.320 – Left turns; yielding.
73. Section 321.321 – Entering through highways.
74. Section 321.322 – Vehicles entering stop or yield intersection.
75. Section 321.323 – Moving vehicle backward on highway.
76. Section 321.323A – Approaching certain stationary vehicles.
77. Section 321.324 – Operation on approach of emergency vehicles.
78. Section 321.324A – Funeral processions.
79. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
80. Section 321.330 – Use of crosswalks.
81. Section 321.332 – White canes restricted to blind persons.
82. Section 321.333 – Duty of drivers.
83. Section 321.340 – Driving through safety zone.
84. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.
85. Section 321.342 – Stop at certain railroad crossings; posting warning.
86. Section 321.343 – Certain vehicles must stop.
87. Section 321.344 – Heavy equipment at crossing.
88. Section 321.344B – Immediate safety threat; penalty.
89. Section 321.354 – Stopping on traveled way.
90. Section 321.359 – Moving other vehicle.
91. Section 321.362 – Unattended motor vehicle.
92. Section 321.363 – Obstruction to driver’s view.
93. Section 321.364 – Preventing contamination of food by hazardous material.
94. Section 321.365 – Coasting prohibited.
95. Section 321.366 – Acts prohibited on fully-controlled access facilities.
96. Section 321.367 – Following fire apparatus.
97. Section 321.368 – Crossing fire hose.
98. Section 321.369 – Putting debris on highway.
99. Section 321.370 – Removing injurious material.
100. Section 321.371 – Clearing up wrecks.
101. Section 321.372 – Discharging pupils, stopping requirements; penalties.
102. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
103. Section 321.381A – Operation of low-speed vehicles.
104. Section 321.382 – Upgrade pulls; minimum speed.
105. Section 321.383 – Exceptions; slow vehicles identified.
106. Section 321.384 – When lighted lamps required.
107. Section 321.385 – Head lamps on motor vehicles.
108. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
109. Section 321.387 – Rear lamps.
110. Section 321.388 – Illuminating plates.
111. Section 321.389 – Reflector requirement.
112. Section 321.390 – Reflector requirements.
113. Section 321.392 – Clearance and identification lights.
114. Section 321.393 – Color and mounting.
115. Section 321.394 – Lamp or flag on projecting load.
116. Section 321.395 – Lamps on parked vehicles.
117. Section 321.398 – Lamps on other vehicles and equipment.
118. Section 321.402 – Spot lamps.
119. Section 321.403 – Auxiliary driving lamps.
120. Section 321.404 – Signal lamps and signal devices.
121. Section 321.404A – Light-restricting devices prohibited.
122. Section 321.405 – Self-illumination.
123. Section 321.408 – Back-up lamps.
124. Section 321.409 – Mandatory lighting equipment.
125. Section 321.415 – Required usage of lighting devices.
126. Section 321.417 – Single-beam road-lighting equipment.
127. Section 321.418 – Alternate road-lighting equipment.
128. Section 321.419 – Number of driving lamps required or permitted.
129. Section 321.420 – Number of lamps lighted.
130. Section 321.421 – Special restrictions on lamps.
131. Section 321.422 – Red light in front, rear lights.
132. Section 321.423 – Flashing lights.
133. Section 321.430 – Brake, hitch, and control requirements.
134. Section 321.431 – Performance ability.
135. Section 321.432 – Horns and warning devices.
136. Section 321.433 – Sirens, whistles, and bells prohibited.
137. Section 321.434 – Bicycle sirens or whistles.
138. Section 321.436 – Mufflers, prevention of noise.
139. Section 321.437 – Mirrors.
140. Section 321.438 – Windshields and windows.
141. Section 321.439 – Windshield wipers.
142. Section 321.440 – Restrictions as to tire equipment.
143. Section 321.441 – Metal tires prohibited.
144. Section 321.442 – Projections on wheels.
145. Section 321.444 – Safety glass.
146. Section 321.445 – Safety belts and safety harnesses; use required.
147. Section 321.446 – Child restraint devices.
148. Section 321.449 – Motor carrier safety rules.
149. Section 321.449A – Rail crew transport drivers.
150. Section 321.449B – Texting or using a mobile telephone while operating a commercial motor vehicle.
151. Section 321.450 – Hazardous materials transportation regulations.
152. Section 321.454 – Width of vehicles.
153. Section 321.455 – Projecting loads on passenger vehicles.
154. Section 321.456 – Height of vehicles.
155. Section 321.457 – Maximum length.
156. Section 321.458 – Loading beyond front.
157. Section 321.460 – Spilling loads on highways.
158. Section 321.461 – Trailers and towed vehicles.
159. Section 321.462 – Drawbars and safety chains.
160. Section 321.463 – Maximum gross weight; exceptions, penalties.
161. Section 321.465 – Weighing vehicles and removal of excess.
162. Section 321.466 – Increased loading capacity; reregistration.

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

(Code of Iowa, Sec. 321.255)

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

62.04 CLINGING TO VEHICLE. No person shall drive a motor vehicle on the streets of the City unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodation. No person riding upon any bicycle, coaster, roller skates, in-line skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

62.05 QUIET ZONES. Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

62.06 OBSTRUCTING VIEW AT INTERSECTIONS. It is unlawful to allow any tree, hedge, billboard, or other object to obstruct the view of an intersection by preventing persons from having a clear view of traffic approaching the intersection from cross streets. Any such obstruction is deemed a nuisance and in addition to the standard penalty may be abated in the manner provided by Chapter 50 of this Code of Ordinances.

62.07 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 LOUD STEREO OR RADIO. No person shall operate any stereo (stereo, tape player, CD player, DVD player, or radio) within a vehicle in a public place at a noise level that can be heard at a distance of 30 feet from the stereo.

[The next page is 389]

CHAPTER 63

SPEED REGULATIONS

|  |  |
| --- | --- |
| 63.01 General | 63.04 Special Speed Zones |
| 63.02 State Code Speed Limits | 63.05 Minimum Speed |
| 63.03 Parks, Cemeteries, and Parking Lots |  |

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

(Code of Iowa, Sec. 321.285)

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

1. Business District – 20 MPH.
2. Residence or School District – 25 MPH.
3. Suburban District – 45 MPH.

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

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

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

(Code of Iowa, Sec. 321.290)

1. Special 15 MPH Speed Zones. A speed in excess of 15 MPH is unlawful on any of the following designated streets or parts thereof.
2. Prospect Street.
3. On Buehl Avenue, from West Main Street to Turner Park.
4. On C Street.
5. On D Street.
6. On Church Street.
7. On Seventh Street, from Walton Avenue to Church Street.
8. On Ridgewood Drive.
9. On Summit Drive.
10. On McGregor Heights.
11. On Center Street, from Walnut Street to Eagle Drive.
12. Kinney Street, from Fourth Street to Third Street.
13. Special 20 MPH Speed Zones. A speed in excess of 20 MPH is unlawful on any of the following designated streets or parts thereof.
14. On Ann Street, from Fourth Street to Seventh Street.
15. On Center Street, from Kinney Street to Walnut Street.
16. On Eagle Drive in the Ridgewood West Subdivision.
17. 138th Street.
18. Moody Lane.
19. Wilson Road.
20. River Road.
21. Hinsch Road.
22. Special 25 MPH Speed Zones. A speed in excess of 25 MPH is unlawful on any of the following designated streets or parts thereof.
23. On any street within the Business District of the City.
24. On Ash Street.
25. Special 35 MPH Speed Zones. A speed in excess of 35 MPH is unlawful on any of the following designated streets or parts thereof.
26. On West Main Street, from West Spring Street to the west City limits.
27. Special 45 MPH Speed Zones. A speed in excess of 45 MPH is unlawful on any of the following designated streets or parts thereof.
28. On HWY 18, from Front Street to the Marquette City limits.

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)

[The next page is 395]

CHAPTER 64

TURNING REGULATIONS

|  |  |
| --- | --- |
| 64.01 Turning at Intersections | 64.02 U-Turns |

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

(Code of Iowa, Sec. 321.311)

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

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

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

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

- NONE -

[The next page is 401]

CHAPTER 65

STOP OR YIELD REQUIRED

|  |  |
| --- | --- |
| 65.01 Through Streets | 65.05 School Stops |
| 65.02 Stop Required | 65.06 Stop Before Crossing Sidewalk |
| 65.03 Three-Way and Four-Way Stop Intersections | 65.07 Stop When Traffic Is Obstructed |
| 65.04 Yield Required | 65.08 Yield to Pedestrians in Crosswalks |

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

(Code of Iowa, Sec. 321.345)

1. All of Main Street.
2. All of Walton Avenue.
3. All of West Main Street.
4. All of Center Avenue.

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

(Code of Iowa, Sec. 321.345)

1. Third Street. Vehicles traveling on Third Street shall stop at Ann Street.
2. Ash Street. Vehicles traveling on Ash Street shall stop at Ann Street.
3. Prospect Street. Vehicles traveling on Prospect Street shall stop at Ash Street.
4. First Street. Vehicles traveling north on First Street shall stop at “A” Street.
5. First Street. Vehicles traveling south on First Street shall stop at “B” Street.
6. Prospect Street. Vehicles traveling on Prospect Street shall stop at Fourth Street.
7. “D” Street. Vehicles traveling on “D” Street shall stop at Church Street.
8. Buell Avenue. Vehicles traveling east on Buell Avenue shall stop at Eighth Street.
9. “C” Street. Vehicles traveling on “C” Street shall stop at Fifth Street.
10. “C” Street. Vehicles traveling from the southwest on “C” Street shall stop at Sixth Street.
11. Cross Street. Vehicles traveling east on Cross Street shall stop at Center Street.
12. Eagle Drive. Vehicles traveling south on Eagle Drive shall stop at 138th Street.
13. Moody Lane. Vehicles traveling east on Moody Lane shall stop at Eagle Drive.
14. Wilson Road. Vehicles traveling west on Wilson Road shall stop at 138th Street.
15. Cemetery Road and Center Street.
16. On Center Street at junction of Eagle Drive for vehicles traveling north, and on Center Street at junction of Walnut Street for vehicles traveling south.
17. On Walnut Street at junction of Center Street for vehicles traveling west.

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

(Code of Iowa, Sec. 321.345)

1. Intersection of Ann Street and Fourth Street.
2. Intersection of Ann Street and Sixth Street.

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

(Code of Iowa, Sec. 321.345)

1. McGregor Heights Road. Vehicles traveling south on McGregor Heights Road shall yield at Ash Street.
2. Ridgewood Drive. Vehicles traveling southwest on Lower Ridgewood Drive shall yield at Summit Drive.
3. 3. Kinney Street. Vehicles traveling west on Kinney Street shall yield at Fourth Street.
4. 4. McGregor Heights Road. Vehicles traveling east on McGregor Heights Road will yield to all traffic coming south on Ridgewood Road and north on McGregor Heights Road.
5. Kinney Street. Vehicles traveling east on Kinney Street shall yield at Fourth Street.

65.05 SCHOOL STOPS. At the following school crossing zones every driver of a vehicle approaching said zone shall bring the vehicle to a full stop at a point 10 feet from the approach side of the crosswalk marked by an authorized school stop sign and thereafter proceed in a careful and prudent manner until the vehicle shall have passed through such school crossing zone.

(Code of Iowa, Sec. 321.249)

1. On Buell Avenue at the school.
2. On West Main Street at Garnavillo Avenue.
3. At Business HWY 18, between St. Mary’s parking lot and the junction of Ann Street and Seventh Street.

65.06 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)

65.07 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.

65.08 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)

[The next page is 409]

CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

|  |  |
| --- | --- |
| 66.01 Temporary Embargo | 66.04 Load Limits on Bridges |
| 66.02 Permits for Excess Size and Weight | 66.05 Truck Routes |
| 66.03 Load Limits Upon Certain Streets |  |

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

(Code of Iowa, Sec. 321.471 and 472)

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

(Code of Iowa, Sec. 321.473 and 321E.2

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

(Code of Iowa, Sec. 321.473 and 475)

1. Five-ton limit on “A” Street (Doctor Smith Street), from Front Street to Ann Street.
2. Five-ton limit on Third Street, from Main Street to Ann Street.
3. Five-ton limit on First Street, from Main Street to “A” Street (Doctor Smith Street).

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

(Code of Iowa, Sec. 321.471)

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

1. Truck Routes Designated. Every motor vehicle weighing eight 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)

1. HWY 76 (portion of Main Street, portion of West Main Street, and portion of Front Street).
2. “B” Street.
3. Deliveries Off Truck Route. Any motor vehicle weighing eight tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload, and return by the most direct route to its point of departure from said designated route.

(Code of Iowa, Sec. 321.473)

1. 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)

4. Limited Exceptions. The provisions of this section shall not apply to public or private carriers of passengers on tour, school or church buses, recreational vehicles, fire and emergency vehicles, vehicles owned and operated by a governmental agency, and vehicles making deliveries to government agencies.

[The next page is 415]

CHAPTER 67

PEDESTRIANS

|  |  |
| --- | --- |
| 67.01 Walking in Street | 67.03 Pedestrian Crossing |
| 67.02 Hitchhiking | 67.04 Use of 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 OF SIDEWALKS. Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent street.

[The next page is 421]

CHAPTER 68

ONE-WAY TRAFFIC

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

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

1. The alley between First Street and Second Street shall be northeast-bound only.
2. The McGregor Heights Loop shall be one-way in a counter-clockwise direction.
3. The alley in Block Four (behind Post Office) from Post Office to “A” Street (Doctor Smith Street) shall be north-bound only.

[The next page is 427]

CHAPTER 69

PARKING REGULATIONS

|  |  |
| --- | --- |
| 69.01 Park Adjacent to Curb | 69.10 Truck Parking Limited |
| 69.02 Parking on One-Way Streets | 69.11 Trailer Parking Limited |
| 69.03 Angle Parking | 69.12 Parking Lots |
| 69.04 Manner of Angle Parking | 69.13 Winter Parking |
| 69.05 Parking for Certain Purposes Illegal | 69.14 Snow Removal – Temporary No Parking |
| 69.06 Parking Prohibited | 69.15 Street Cleaning |
| 69.07 Persons with Disabilities Parking | 69.16 Snow Routes |
| 69.08 No Parking Zones |  |
| 69.09 Parking on a Public Street For More Than 48 |  |
| Hours Prohibited |  |

69.01 PARK ADJACENT TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

69.02 PARKING ON ONE-WAY STREETS. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

1. Fourth Street, on the northeast side, from Main Street to Point Anne Lane.
2. Third Street, on the southwest side, from alley (Stone Ditch) to Main Street.
3. HWY 76/Business HWY 18 on the east side, from the railroad crossing to a point 150 feet north. No person shall park a vehicle in this location for a continuous period of more than 24 hours.

69.04 MANNER OF ANGLE PARKING. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle or the load thereon, when said vehicle is parked within a diagonal parking district, shall extend into the roadway more than a distance of 16 feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, Sec. 321.361)

69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property, unless otherwise limited under the provisions of this chapter, for any of the following principal purposes:

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

1. Sale. Displaying such vehicle for sale.
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

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

1. Crosswalk. On a crosswalk.

(Code of Iowa, Sec. 321.358[5])

1. Center Parkway. On the center parkway or dividing area of any divided street.

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

1. Mailboxes. Within 20 feet on either side of a mailbox that is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.

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

1. Sidewalks. On or across a sidewalk.

(Code of Iowa, Sec. 321.358[1])

1. Driveway. In front of a public or private driveway.

(Code of Iowa, Sec. 321.358[2])

1. Intersection. Within an intersection or within 10 feet of an intersection of any street or alley.

(Code of Iowa, Sec. 321.358[3])

1. Fire Hydrant. Within five feet of a fire hydrant.

(Code of Iowa, Sec. 321.358[4])

1. Stop Sign or Signal. Within 10 feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.

(Code of Iowa, Sec. 321.358[6])

1. Railroad Crossing. Within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.

(Code of Iowa, Sec. 321.358[8])

1. Fire Station. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign posted.

(Code of Iowa, Sec. 321.358[9])

1. 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])

1. 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])

1. 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])

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

(Code of Iowa, Sec. 321.360)

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

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

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

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

1. 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.
2. 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.
3. 111 First Street. Beginning 72 feet south of the point where the east line of First Street intersects the south line of Main Street, a space of 30 feet is hereby reserved at 111 First Street for events center loading, unloading, and temporary events center parking; but only during event center assemblages when temporary no parking signs have been placed by the events center operator.

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. The following on-street parking spaces have been designated as persons with disabilities parking spaces by the City:
2. Front Street at rail crossing.
3. 111 Main Street north of public restroom.
4. 138 Main Street.
5. 211 Main Street.
6. 220 Main Street.
7. 333 Main Street.
8. 416 Main Street.
9. 126 First Street.
10. “A” Street and Main Street NE.
11. East Side of Second Street at Main Street by Post Office.
12. Fourth Street at Library.
13. Northeast side of Fifth Street at corner of Main adjacent to First Congregational Church.
14. Ann and Fourth Street SW.
15. Fifth Street right-of-way off Ann Street.
16. Southeast side of Prospect Street at Fourth Street intersection behind Methodist Church.
17. East of Sidewalk Determination Park.
18. One space as designated in the Main and B Street parking lot.
19. Two spaces as designated in the First Street parking lot.
20. One space as designated on East side of Main Street Riverside Parking Lot (boat trailer).
21. 626 Main Street parking lot (Day Care).
22. 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])

1. Use by an operator of a vehicle not displaying a persons with disabilities parking permit.
2. 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*.
3. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the *Code of Iowa*.
4. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:
5. 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.
6. A person shall not interfere with a wheelchair parking cone that is properly placed under the provisions of Section 321L.2A[1] of the *Code of Iowa*.

69.08 NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

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

1. All of Walton Avenue on both sides, except parking shall be allowed on the southerly side of Walton Street from “D” Street to Church Street from April 1 to November 1.
2. On the even-numbered side of Center Street.
3. “B” Street, from the alley between Second and First Streets to Main Street.
4. On the even-numbered side of Ann Street, from Fourth Street to Sixth Street.
5. On the odd-numbered side of Ann Street, from Sixth Street to Seventh Street.
6. All of Kinney Street on both sides.
7. On the odd-numbered side of Fourth Street, from Ann Street to Kinney Street.
8. All of Sixth Street on the west side.
9. All of Fifth Street on the west side.
10. On the bluff side (southeast) of “C” Street, from Fourth Street to a point 250 feet southwesterly of Sixth Street.
11. HWY 76/Business HWY 18 intersecting and adjacent to Cannon and Peace Parks.
12. South side of HWY 76/Business HWY 18, from Garnavillo Avenue to West Spring Street.
13. North side of Buell Avenue, from 8th Street to Turner Street.

69.09 PARKING ON A PUBLIC STREET FOR MORE THAN 48 HOURS PROHIBITED. No person shall park a vehicle upon any street or public way for a continuous period of more than 48 hours.

69.10 TRUCK PARKING LIMITED. No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached weighing six tons or more in violation of the following regulations.

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

1. Parking Restricted. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended such vehicle except in the following locations. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.
2. “B” Street, on both sides, from River Street to the alley between First Street and Second Street.
3. First Street parking lot.
4. Noise. No such vehicle shall be left standing or parked in any allowed location, private parking lot, or drive of any service station between the hours of 10:30 p.m. and 6:00 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 30 minutes.

69.11 TRAILER PARKING LIMITED. No person shall park a trailer (as defined in Chapter 321 of the *Code of Iowa*) on Main Street between “A” Street and the Mississippi River end of Main Street.

69.12 PARKING LOTS. No person shall park a vehicle in a parking lot in violation of the following regulations:

1. Main Street Riverside Lot:
2. No person shall park a vehicle for a continuous period of more than 24 hours.
3. Trailer parking is prohibited; provided, however, combination boat trailer and motor vehicle parking is permitted on the riverside between the restaurant facility and motel.
4. Motor home parking is prohibited.
5. No parking on boat ramp from railroad tracks easterly to river’s edge.

2. First Street Parking Lot:

1. No person shall park a vehicle for a continuous period of more than 72 hours.

3. Main and “B” Street Parking Lot:

1. No person shall park a vehicle for a continuous period of more than 24 hours.
2. Trailer parking is prohibited.
3. Motor home parking is prohibited.

69.13 WINTER PARKING. Except as otherwise provided in this chapter, in order to facilitate the plowing and removal of snow from streets and public ways, the following parking regulations shall apply from November 1 through March 31 of each year:

1. Alternate Side Parking. Except as otherwise provided herein, between the hours of 2:00 a.m. and 8:00 a.m., all vehicles may be parked only on:
2. The odd numbered sides of the street on Monday, Wednesday, and Friday.
3. The even numbered sides of the street on Tuesday, Thursday, Saturday, and Sunday.
4. On Ann Street from A Street to Fourth Street. The odd numbered side of the street on odd numbered days and the even side of the street on even days.
5. Triangle Park, Fire Station, and Prospect Street. Parking is prohibited for a period of 48 hours after a snow day:
6. On the north side of Dr. Clifford C. Smith Street, from Main Street to First Street; and on the west side of First Street, from Main Street to Dr. Clifford C. Smith Street, both of which abut Triangle Park.
7. On the southwest side of Fourth Street, from Ann Street to Main Street (Fire Station).
8. On Prospect Street, between Fourth Street and Ash Street.
9. Garnavillo Avenue. Parking is prohibited on Garnavillo Avenue from Lot 2, Block 37 to the south City limit.
10. Snow Day. A snow day is a day when there is a snowfall accumulation totaling two inches within the 24-hour period ending between 12:00 a.m. and 8:00 a.m.
11. Snow Emergency. During a snow emergency no person shall park, abandon, or leave unattended any vehicle on any public street, alley, or public right-of-way, unless the snow has been removed or plowed from said street, alley, or public right-of-way. Upon declaration of a snow emergency, the Mayor shall publicize the snow emergency parking restrictions. A snow emergency exists when proclaimed by the Mayor, after consultation with the Street Superintendent, but only in those circumstances where the National Weather Service has predicted that two or more inches of snow or ice will fall in the McGregor area or two or more inches of snow or ice has fallen in the McGregor area. The snow emergency shall continue through the duration of the snow or ice storm and the 48-hour period after cessation of the storm. Such emergency may be extended or shortened when conditions warrant.

69.14 SNOW REMOVAL – TEMPORARY NO PARKING. To further facilitate the removal of snow from streets, public ways, and City-owned off-street parking areas, the following regulations shall apply:

1. Special temporary no parking areas shall be established at the direction of the Street Superintendent by placement of temporary “No Parking, Snow Removal” signs along the street and in City-owned off-street parking areas. These signs shall be placed at least two hours before work is to begin and shall not be enforced for one hour after they are placed. No person shall park any vehicle in violation of such temporary no parking signs.

69.15 STREET CLEANING. To facilitate street cleaning, special temporary no parking areas will be established at the direction of the street crew by placement of temporary “NO PARKING, STREET CLEANING” signs along the street. These signs shall be placed at least two hours before work is to begin and shall not be enforced for one hour after they are placed. No person shall park any vehicle in violation of such temporary no parking signs.

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

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

[The next page is 439]

CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

|  |  |
| --- | --- |
| 70.01 Arrest or Citation | 70.04 Parking Violations: Vehicle Unattended |
| 70.02 Scheduled Violations | 70.05 Presumption in Reference to Illegal Parking |
| 70.03 Parking Violations: Alternate | 70.06 Impounding Vehicles |

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

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

(Code of Iowa, Sec. 805.6 and 321.485)

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

(Code of Iowa, Sec. 805.8 and 805.8A)

70.03 PARKING VIOLATIONS: ALTERNATE. Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The fine for each violation charged under a simple notice of a fine shall be in the amount of $35.00 for snow route parking violations and $25.00 for all other violations except improper use of a persons with disabilities parking permit. If such fine is not paid within 30 days, it shall be increased by $5.00. The fine for improper use of a persons with disabilities parking permit is $100.00.

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

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

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

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

70.06 IMPOUNDING VEHICLES. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

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

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

1. 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])

1. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.
2. 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])

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

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

[The next page is 465]

CHAPTER 75

ALL-TERRAIN VEHICLES, SNOWMOBILES, AND DIRT BIKES

|  |  |
| --- | --- |
| 75.01 Purpose | 75.06 Hours of Operation |
| 75.02 Definitions | 75.07 Negligence |
| 75.03 General Regulations | 75.08 Accident Reports |
| 75.04 Operation of Snowmobiles | 75.09 Dirt Bikes |
| 75.05 Operation of ATVs and UTVs |  |

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles, snowmobiles and dirt bikes 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)

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

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

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

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

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

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

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

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

(Subsection 3 – Ord. 08-02-2022 – Aug. 22 Supp.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. 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])

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

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

1. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground, or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.
2. 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 ATVS AND UTVS. The operators of ATVs and UTVs shall comply with the following restrictions as to where ATVs and UTVs may be operated within the City:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Section 75.05 – Ord. 08-02-2022 – Aug. 22 Supp.)

75.06 HOURS OF OPERATION. No person shall operate an ATV or snowmobile on public or private property within the City between the hours of 10:00 p.m. and 7:00 a.m. except in a declared emergency.

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

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

75.08 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to $1,500.00 or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

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

75.09 DIRT BIKES. No person shall operate a dirt bike within the City in violation of the following regulations:

1. No person shall operate a dirt bike on any public sidewalk or parkway, in any public park or public parking lot, or on any other public property.
2. Notwithstanding the provisions of Subsection 1, dirt bikes may be lawfully operated on public thoroughfares within the City by any person lawfully qualified as an operator and on any authorized posted trail established for such use by the Council.
3. No person shall operate a dirt bike on any private property within the City not owned or controlled by such operator without the express consent and permission of the owner of such property.
4. No person shall operate a dirt bike in the following manner:
5. At a rate of speed that is unreasonable or improper under the circumstances.
6. In any careless way so as to endanger the operator, any other person, or any property of another.
7. While under the influence of intoxicating liquor, fermented beverages, narcotics, or other drugs.
8. In such manner that the exhaust of the motor makes excessive smoke or excessive and unusual noises.
9. Without a functioning or adequate muffler.

5. No owner or other person having charge or control of a dirt bike shall knowingly authorize or permit any person to operate or use the dirt bike in violation of this section, or authorize or permit any person to operate or use such a vehicle when such person is reasonably likely to endanger the person or property of another person because of his or her incapacity by reason of age, physical or mental disability, or impairment.

6. Dirt bikes must be equipped with the following:

1. Headlights.
2. Tail lights.
3. Stop lights.
4. Rearview mirror.
5. Brakes.
6. Horn.
7. Turn signals.
8. Tires designed for highway use.

[The next page is 475]

CHAPTER 76

BICYCLE REGULATIONS

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

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

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

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

(Code of Iowa, Sec. 321.234)

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

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

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

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

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

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

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

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

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

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

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

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

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

1. 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])

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 321.397)

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

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

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

[The next page is 495]

CHAPTER 80

ABANDONED VEHICLES

|  |  |
| --- | --- |
| 80.01 Definitions | 80.06 Disposal of Abandoned Vehicles |
| 80.02 Authority to Take Possession of Abandoned Vehicles | 80.07 Disposal of Totally Inoperable Vehicles |
| 80.03 Notice by Mail | 80.08 Proceeds from Sales |
| 80.04 Reclamation of Abandoned Vehicles | 80.09 Duties of Demolisher |
| 80.05 Fees for Impoundment |  |

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

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

1. “Abandoned vehicle” means any of the following:
2. A vehicle that has been left unattended on public property for more than 24 hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.
3. A vehicle that has remained illegally on public property for more than 24 hours.
4. 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.
5. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of 10 days. However, a police authority may declare the vehicle abandoned within the 10-day period by commencing the notification process.
6. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
7. 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.
8. “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.
9. “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.
10. “Police authority” means the Iowa State Patrol or any law enforcement agency of a county or city.

80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority’s own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity that is a garage keeper to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority’s initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

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

80.03 NOTICE BY MAIL.

1. A police authority or private entity that takes into custody an abandoned vehicle shall send notice by certified mail that the vehicle has been taken into custody, no more than 20 days after taking custody of the vehicle. Notice shall be sent to the last known address of record of the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle.
2. Notice shall be deemed given when mailed. The notice shall include all of the following:
3. A description of the year, make, model and vehicle identification number of the vehicle.
4. The location of the facility where the vehicle is being held.
5. Information for the persons receiving the notice of their right to reclaim the vehicle and personal property contained therein within 10 days after the effective date of the notice. Persons may reclaim the vehicle or personal property upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice required pursuant to this section.
6. A statement that failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders, and claimants of all right, title, claim, and interest in the vehicle or personal property.
7. A statement that failure to reclaim the vehicle or personal property is deemed consent for the police authority or private entity to sell the vehicle at a public auction or dispose of the vehicle to a demolisher and to dispose of the personal property by sale or destruction.
8. If the abandoned vehicle was taken into custody by a private entity without a police authority’s initiative, the notice shall state that the private entity may claim a garage keeper’s lien as described in Section 321.90, Subsection 1, of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle.
9. 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.
10. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the 10-day reclaiming period, the owner, lienholders, or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property.
11. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders, or claimants after the expiration of the 10-day reclaiming period.
12. If it is impossible to determine with reasonable certainty the identities and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Subsection 2 of this section. The published notice may contain multiple listings of abandoned vehicles, but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Subsection 2 of this section.

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

80.04 RECLAMATION OF ABANDONED VEHICLES. Prior to driving an abandoned vehicle away from the premises, a person who received (or who is reclaiming the vehicle on behalf of a person who received) notice under Section 80.03 shall present to the police authority or private entity, as applicable, the person’s valid driver’s license and proof of financial liability coverage as provided in Section 321.20B of the *Code of Iowa*.

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

80.05 FEES FOR IMPOUNDMENT. The owner, lienholder, or claimant shall pay all towing and storage fees as established by the storage facility, whereupon the vehicle shall be released.

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

80.06 DISPOSAL OF ABANDONED VEHICLES.  If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

(Code of Iowa, Sec. 321.89[4])

80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES.  The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

80.08 PROCEEDS FROM SALES.  Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing, and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for 90 days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

(Code of Iowa, Sec. 321.89[4])

80.09 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle, or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90[3a])

[The next page is 503]

CHAPTER 81

RAILROAD REGULATIONS

|  |  |
| --- | --- |
| 81.01 Definitions | 81.03 Crossing Maintenance |
| 81.02 Obstructing Streets | 81.04 Dangerous or Toxic Substances |

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

1. “Operator” means any individual, partnership, corporation, or other association that owns, operates, drives, or controls a railroad train.
2. “Railroad train” means an engine or locomotive, with or without cars coupled thereto, operated upon rails.

(Code of Iowa, Sec. 321.1)

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

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

1. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.
2. Avoid Striking. When necessary to avoid striking any object or person on the track.
3. Disabled. When the train is disabled.
4. Safety Regulations. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.
5. In Motion. When the train is in motion except while engaged in switching operations.
6. No Traffic. When there is no vehicular traffic waiting to use the crossing.

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

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

(Bourett vs. Chicago and N.W. Ry. 152 Iowa 579, 132 N.W. 973 [1943])

(Code of Iowa, Sec. 364.11)

81.04 DANGEROUS OR TOXIC SUBSTANCES. It is hereby prohibited for any person to permit or allow the parking or standing of any railroad tank car or cars containing dangerous or toxic substances or materials within the City limits.

[The next page is 509]

CHAPTER 82

RIVERFRONT REGULATIONS

|  |  |
| --- | --- |
| 82.01 Non-amphibious Vehicles Prohibited | 82.02 Municipal Dock |

82.01 NON-AMPHIBIOUS VEHICLES PROHIBITED. It is unlawful to enter into or upon the Mississippi River, or to depart from the Mississippi River, by means of a non-amphibious vehicle to or from any property within the corporate boundaries of the City from November 1 of each year to April 1 of each year.

82.02 MUNICIPAL DOCK. Any dock owned, operated, maintained, or placed by the City or any department thereof is hereby designated a “Municipal Dock.” The City may, from time to time, place municipal docks adjacent to the McGregor Mississippi Riverfront in order to provide a boat parking facility for visitors to McGregor. Boat parking is limited to six hours. Overnight parking and swimming are prohibited on municipal docks. Fishing is allowed on municipal docks.

[The next page is 565]

CHAPTER 90

WATER SERVICE SYSTEM

90.01 BOARD OF TRUSTEES. The management of the City’s Waterworks Utility is the responsibility of the Utilities Board of Trustees established and operated as described in Chapter 25 of this Code of Ordinances.

[The next page is 571]

CHAPTER 91

STORMWATER DRAINAGE SYSTEM UTILITY

|  |  |
| --- | --- |
| 91.01 Name and Purpose | 91.05 Payment of Bills |
| 91.02 District Established | 91.06 Lien for Nonpayment |
| 91.03 Fund Established | 91.07 Structure Permit Required |
| 91.04 Storm Sewer Fee |  |

91.01 NAME AND PURPOSE. The purpose of this chapter is to establish the McGregor Stormwater Drainage System Utility. The provisions of this chapter shall be reviewed annually at the June regular meeting of the Council to review fee structure and revenue receipts and expenditures.

91.02 DISTRICT ESTABLISHED. The McGregor Stormwater Drainage System Utility District shall include all property and premises located within the confines of the City limits.

91.03 FUND ESTABLISHED. A City Utility Fund is hereby established, to be known as the McGregor Stormwater Drainage System Utility Fund (Storm Sewer Fund) to collect moneys from:

1. All customers who are billed for electric service by the Utility Board of Trustees of the City; and
2. All residents of the City who are billed for solid waste collection and disposal services pursuant to Chapter 106 of this Code of Ordinances, except those included in Subsection 1 above; and
3. The owners of property within the City limits not otherwise identified in Subsections 1 and 2 hereof, as are identified from time to time by Council resolution.

The fund shall be used to pay the expenses of operation and maintenance of the McGregor Stormwater Drainage System Utility and for stormwater drainage projects for the benefit of the City, as determined by the Council, including, but not limited to, payments on bonds and debt service thereof.

91.04 STORM SEWER FEE.

1. There is hereby established a storm sewer fee in the amounts and effective dates as defined in this section to fund the Stormwater Drainage System Utility Fund.

|  |  |
| --- | --- |
| Effective Dates | Monthly Storm Sewer Fees |
| September 1, 2021 | $12.59 |
| July 1, 2022 | $14.46 |

2. The stormwater fee shall be added to the customer’s utility account for those customers identified in Subsections 1 and 2 of Section 91.03.

3. Effective July 1, 2023, and July 1 of each year thereafter, the monthly storm sewer fee shall be increased by an amount not less than two percent of the then-current monthly storm sewer fee.

91.05 PAYMENT OF BILLS. Storm sewer fees are due and payable with and under the same terms and conditions as payment for water and electric service as established by the Utilities Board of Trustees. To the extent that the storm sewer fee is billed as part of a combined service account, utility services may be discontinued if the account becomes delinquent.

91.06 LIEN FOR NONPAYMENT. Except as provided in Section 99.06, the owner of the premises served, and any lessee or tenant thereof, shall be jointly and severally liable for storm sewer fees charged to the premises. Storm sewer fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified to the County Treasurer for collection in the same manner as property taxes. The provisions contained in Section 99.07 relating to lien notices shall also apply in the event of a delinquent account.

91.07 STRUCTURE PERMIT REQUIRED. No person shall maintain or construct any type of structure over, across, under or through the McGregor Stormwater Drainage System without having first obtained a Stormwater Drainage System Structure Permit in accordance with the provisions of this section.

1. Any person desiring a permit shall make a written application to the Clerk on forms furnished by the City. The application shall set forth the name and address of the applicant, the name of the person who shall perform the work and such other information as the Clerk may require. At the time of making such application, the applicant shall agree in writing to indemnify and protect the City, its employees, agents, assigns, and citizens at all times in connection with the maintenance and construction of the structure. The application shall include detailed plans.
2. The Clerk shall approve or deny the application within 30 days of the date it is submitted. Failure of the Clerk to approve the application within 30 days shall be deemed denial. Any person aggrieved by the granting or denial of the application may appeal to the Council.
3. No permit shall be granted except in the following cases:
4. For walkways or driveways providing ingress and egress from and to parcels adjacent, except for the Stormwater Drainage System Structure, and under the common ownership of the applicant.
5. For walkways or driveways providing ingress and egress from and to property owned by the applicant and a City right-of-way.
6. As a means of ingress and egress to applicant’s property for emergency services or freight delivery.

4. The permit shall be revocable at the will of the City and any revocation shall require the immediate cessation of use and removal within 30 days of notification. Upon failure of a property owner to secure a permit in the case of existing structures, or upon revocation of a permit, the applicant’s structure shall be removed at applicant’s cost and if applicant fails to do so within the 30-day period, then the City shall remove the structure and assess all costs to the property owner to be levied as taxes.

5. Any person aggrieved by the approval or denial of a permit application may appeal to the Council. The appeal must be taken within 30 days of the Clerk’s action on the application. The Council shall fix a time for hearing the appeal, give public notice thereof, and decide the appeal within a reasonable time. At the hearing, any person may appear in person or by agent or attorney. A fee of $50.00 shall be paid at the time the notice of appeal is filed. An appeal stays all proceedings in furtherance of the action appealed.

[The next page is 599]

CHAPTER 95

SANITARY SEWER SYSTEM

|  |  |
| --- | --- |
| 95.01 Purpose | 95.06 Service Outside the City |
| 95.02 Definitions | 95.07 Right of Entry |
| 95.03 Superintendent | 95.08 Use of Easements |
| 95.04 Prohibited Acts | 95.09 Special Penalties |
| 95.05 Sewer Connection Required | 95.10 Abandoned Sewer Lines |

95.01 PURPOSE. The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety, and welfare.

95.02 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. “B.O.D.” (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20℃, expressed in milligrams per liter or parts per million.
2. “Building drain” means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (one and one-half meters) outside the inner face of the building wall.
3. “Building sewer” means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.
4. “Combined sewer” means a sewer receiving both surface run-off and sewage.
5. “Customer” means any person responsible for the production of domestic, commercial, or industrial waste that is directly or indirectly discharged into the public sewer system.
6. “Garbage” means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
7. “Industrial wastes” means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. “Inspector” means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.
9. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
10. “On-site wastewater treatment and disposal system” means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four or fewer dwelling units or other facilities serving the equivalent of 15 persons (1,500 gpd) or less.
11. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
12. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
13. “Sanitary sewage” means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm, surface water, and industrial waste.
14. “Sanitary sewer” means a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
15. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
16. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.
17. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.
18. “Sewer” means a pipe or conduit for carrying sewage.
19. “Sewer service charges” means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
20. “Slug” means any discharge of water, sewage, or industrial waste that in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.
21. “Storm drain” or “storm sewer” means a sewer that carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
22. “Superintendent” means the Superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.
23. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and that are removable by laboratory filtering.
24. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

95.03 SUPERINTENDENT.  The Superintendent shall exercise the following powers and duties:

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

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.
3. Records. Maintain a complete and accurate record of all sewers, sewage connections, and manholes constructed showing the location and grades thereof.

95.04 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the sewer system.

(Code of Iowa, Sec. 716.1)

1. Surface Run-Off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain that is connected directly or indirectly to a public sanitary sewer.
2. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.
3. 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.
4. 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])

1. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

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

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner’s expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within 60 days after date of official notice from the City to do so provided that said public sewer is located within 100 feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

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

(567 IAC 69.1[3])

95.06 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

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

95.07 RIGHT OF ENTRY. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these Sanitary Sewer chapters. The Superintendent or representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

95.08 USE OF EASEMENTS. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

95.09 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of these Sanitary Sewer chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except Subsections 1, 3, and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in Subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

95.10 ABANDONED SEWER LINES. When an existing sanitary sewer service is abandoned or a service is renewed with a new connection in the main, all abandoned connections with the mains shall be capped off and made absolutely watertight.

[The next page is 607]

CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

|  |  |
| --- | --- |
| 96.01 Permit | 96.06 Interceptors Required |
| 96.02 Permit Fee and Connection Charge | 96.07 Sewer Tap |
| 96.03 Plumber Required | 96.08 Inspection Required |
| 96.04 Excavations | 96.09 Property Owner’s Responsibility |
| 96.05 Connection Requirements | 96.10 Abatement of Violations |

96.01 PERMIT. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within 30 days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner’s control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 PERMIT FEE AND CONNECTION CHARGE. The person who makes the application shall pay a fee in the amount of $25.00 for residential or commercial property, and in the amount of $100.00 for industrial property, to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition, there shall be a connection charge in the amount of $500.00 paid to reimburse the City for costs borne by the City in making sewer service available to the property served.

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a State-licensed plumber.

96.04 EXCAVATIONS. All trench work, excavation, and backfilling required for the installation of a building sewer shall be performed in accordance with the provisions of the *State Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

96.05 CONNECTION REQUIREMENTS. Any connection with a public sanitary sewer must be made under the direct supervision of the Superintendent and in accordance with the following:

1. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the owner and observed by the Superintendent, to meet all requirements of this chapter.
2. Separate Building Sewers. A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
3. Installation. The installation and connection of the building sewer to the public sewer shall conform to the requirements of the *State Plumbing Code* and applicable rules and regulations of the City. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
4. Water Lines. When possible, building sewers should be laid at least 10 feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least 12 inches above the top of the building sewer.
5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four inches.
6. Alignment and Grade. All building sewers shall be laid to a straight line to meet the following:
7. Recommended grade at one-fourth inch per foot.
8. Minimum grade of one-eighth inch per foot.
9. Minimum velocity of two feet per second with the sewer half full.
10. 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.
11. 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.
12. 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.
13. 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:
14. Clay sewer pipe – A.S.T.M. C-700 (extra strength).
15. Extra heavy cast iron soil pipe – A.S.T.M. A-74.
16. Ductile iron water pipe – A.W.W.A. C-151.
17. P.V.C. – SDR26 – A.S.T.M. D-3034.
18. Bearing Walls. No building sewer shall be laid parallel to or within three feet of any bearing wall that might thereby be weakened.
19. 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.
20. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.
21. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

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

1. Design and Location. All interceptors shall be of a type and capacity as specified in the *State Plumbing Code*, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.
2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.
3. Maintenance. All such interceptors shall be maintained by the owner at the owner’s expense and shall be kept in continuously efficient operations at all times.

96.07 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the “Y” branch, if such branch is available at a suitable location. If no properly located “Y” branch is available, a saddle “Y” shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued or attached with a gasket and stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent’s direction if such connection is approved.

96.08 INSPECTION REQUIRED. All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid underground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

96.09 PROPERTY OWNER’S RESPONSIBILITY. All costs and expenses incident to the installation, connection, and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

96.10 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines, whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner’s expense, within 30 days after date of official notice from the Council of such violation. If not made within such time, the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

[The next page is 615]

CHAPTER 97

USE OF PUBLIC SEWERS

|  |  |
| --- | --- |
| 97.01 Stormwater | 97.05 Restricted Discharges; Powers of Superintendent |
| 97.02 Surface Waters Exception | 97.06 Special Facilities |
| 97.03 Prohibited Discharges | 97.07 Control Manholes |
| 97.04 Restricted Discharges | 97.08 Testing of Wastes |

97.01 STORMWATER. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers that are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

97.02 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to be in the best interests of the sewer system.

97.03 PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides (CN) in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Excessive B.O.D., Solids or Flow.
6. 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.
7. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner’s expense, such preliminary treatment as may be necessary to: (i) reduce the biochemical oxygen demand to 300 parts per million by weight; or (ii) reduce the suspended solids to 350 parts per million by weight; or (iii) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

97.04 RESTRICTED DISCHARGES. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than 150℉ (65℃).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances that may solidify or become viscous at temperatures between 32℉ and 150℉ (0℃ to 65℃).
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution, whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or federal regulations.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.
10. Unusual Wastes. Materials that exert or cause:
11. 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).
12. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
13. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
14. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
15. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance that, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
16. Damaging Substances. Any waters, wastes, materials, or substances that react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration, or create any other condition deleterious to structures and treatment processes.
17. Untreatable Wastes. Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

97.05 RESTRICTED DISCHARGES; POWERS OF SUPERINTENDENT. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

97.06 SPECIAL FACILITIES. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner’s expense.

97.07 CONTROL MANHOLES. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner’s expense, and shall be maintained by the owner so as to be safe and accessible at all times.

97.08 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH’s are determined from periodic grab samples.)

[The next page is 623]

CHAPTER 98

ON-SITE WASTEWATER SYSTEMS

|  |  |
| --- | --- |
| 98.01 When Prohibited | 98.06 Maintenance of System |
| 98.02 When Required | 98.07 Systems Abandoned |
| 98.03 Compliance with Regulations | 98.08 Disposal of Septage |
| 98.04 Permit Required | 98.09 Minimum Lot Area |
| 98.05 Discharge Restrictions |  |

98.01 WHEN PROHIBITED. Except as otherwise provided in this chapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

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

98.02 WHEN REQUIRED. When a public sanitary sewer is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

(567 IAC 69.1[3])

98.03 COMPLIANCE WITH REGULATIONS. The type, capacity, location, and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

(567 IAC 69.1[3 and 4])

98.04 PERMIT REQUIRED. No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

98.05 DISCHARGE RESTRICTIONS. It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

(567 IAC 69.1[3])

98.06 MAINTENANCE OF SYSTEM. The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

98.07 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

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

98.08 DISPOSAL OF SEPTAGE. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

98.09 MINIMUM LOT AREA. No permit shall be issued for any on-site wastewater treatment and disposal system employing sub-surface soil absorption facilities where the area of the lot is less than needed, as determined by the County Board of Health.

[The next page is 629]

CHAPTER 99

SEWER SERVICE CHARGES

|  |  |
| --- | --- |
| 99.01 Rate | 99.06 Lien Exemption |
| 99.02 Special Rates | 99.07 Lien Notice |
| 99.03 Private Water Systems | 99.08 Deposit |
| 99.04 Payment of Bills | 99.09 Special Agreements Permitted |
| 99.05 Lien for Nonpayment |  |

99.01 RATE. Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount of water consumed.

1. Effective July 1, 2022 the sewer service charge base rate shall be $14.56 per month for all customers and each customer shall pay a sewer user charge rate of $6.87 per 100 cubic feet, for all cubic feet of water consumed. In the case of non-metered service, the minimum service charge shall be $44.93.
2. Effective July 1, 2023 the sewer service charge base rate shall be $16.89 per month for all customers and each customer shall pay a sewer user charge rate of $7.97 per 100 cubic feet, for all cubic feet of water consumed. In the case of non-metered service, the minimum service charge shall be $52.12.
3. Effective July 1, 2024 the sewer service charge base rate shall be $19.59 per month for all customers and each customer shall pay a sewer user charge rate of $9.24 per cubic feet, for all cubic feet of water consumed. In the case of non-metered service, the minimum service charge shall be $60.46.
4. Effective July 1, 2025 and the 1st of July of each year thereafter, the sewer base rate, sewer user charge and non-metered service shall each be increased by three (3) percent of the current fee.

***(Section 99.01 – Ord. 02-02-2022 – Apr. 22 Supp.)***

99.02 SPECIAL RATES. Where, in the judgment of the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.01 would be inequitable or unfair to either the City or the customer, a special rate shall be approved by the Council by resolution.

(Code of Iowa, Sec. 384.84)

99.03 PRIVATE WATER SYSTEMS. Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the City either by an estimate agreed to by the customer or by metering the water system at the customer’s expense. Any negotiated or agreed-upon sales or charges shall be subject to approval of the Council.

(Code of Iowa, Sec. 384.84)

99.04 PAYMENT OF BILLS. All sewer service charges are due and payable under the same terms and conditions as payment for water and electric service, as established by the Utilities Board of Trustees. To the extent that the sewer service charges are billed as part of a combined service account, utility services may be discontinued if the account becomes delinquent.

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

(Code of Iowa, Sec. 384.84)

99.06 LIEN EXEMPTION.

(Code of Iowa, Sec. 384.84)

1. Exemption. The lien for nonpayment shall not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.
2. Written Notice. The landlord’s written notice shall contain the name of the tenant responsible for charges, the address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within 30 business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within 30 business days of the completion of the change of ownership.
3. Mobile Homes, Modular Homes, and Manufactured Homes. A lien for nonpayment of utility services described in Subsection 1 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

99.07 LIEN NOTICE. A lien for delinquent sewer service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than 30 days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

99.08 DEPOSIT. There shall be a sewer service deposit required of all new customers, whether a tenant or a property owner, prior to providing service. The deposit shall be based on the usual cost of 90 days of sewer service, to be paid to the utility or enterprise. The deposit requirement may be waived for customers who provide a good credit letter consisting of one year’s history from a current utility provider where utility service was in the customer’s name with only one late notice in a 12-month period. The deposit shall be refunded by check after 12 months of prompt payments during that period.

99.09 SPECIAL AGREEMENTS PERMITTED. No statement in these chapters shall be construed as preventing a special agreement, arrangement, or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate, and cost as established by the Council.

[The next page is 655]

CHAPTER 105

SOLID WASTE CONTROL

|  |  |
| --- | --- |
| 105.01 Purpose | 105.07 Littering Prohibited |
| 105.02 Definitions | 105.08 Toxic and Hazardous Waste |
| 105.03 Sanitary Disposal Required | 105.09 Waste Storage Containers |
| 105.04 Health and Fire Hazard | 105.10 Prohibited Practices |
| 105.05 Open Burning Restricted | 105.11 Sanitary Disposal Project Designated |
| 105.06 Separation of Yard Waste Required | 105.12 Recycling Program |

105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection is to provide for the sanitary storage, collection, and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety, and welfare as may result from the uncontrolled disposal of solid waste.

105.02 DEFINITIONS. For use in these chapters the following terms are defined:

1. “Collector” means any person authorized to gather solid waste from public and private places.
2. “Discard” means to place, cause to be placed, throw, deposit, or drop.

(Code of Iowa, Sec. 455B.361[1])

1. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities that are used or are intended to be used for living, sleeping, cooking, and eating.
2. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving, and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.

(567 IAC 100.2)

1. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

(567 IAC 20.2)

1. “Litter” means any garbage, rubbish, trash, refuse, waste materials, or debris not exceeding 10 pounds in weight or 15 cubic feet in volume. Litter includes but is not limited to empty beverage containers, cigarette butts, food waste packaging, other food or candy wrappers, handbills, empty cartons, or boxes.

(Code of Iowa, Sec. 455B.361[2])

1. “Owner” means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating, or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities, and obligations hereinafter imposed shall be joint and several.
2. “Refuse” means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste, and sewage treatment waste in dry or semisolid form.

(567 IAC 100.2)

1. “Residential premises” means a single-family dwelling and any multiple-family dwelling up to and including four separate dwelling units.
2. “Residential waste” means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes, and any locally recyclable goods or plastics.

(567 IAC 20.2)

1. “Rubbish” means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

(567 IAC 100.2)

1. “Sanitary disposal” means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(567 IAC 100.2)

1. “Sanitary disposal project” means all facilities and appurtenances (including all real and personal property connected with such facilities) that are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources. “Sanitary disposal project” does not include a pyrolysis or gasification facility as defined in Section 455B.301 of the *Code of Iowa*.

(Code of Iowa, Sec. 455B.301)

1. “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)

1. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.
2. 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.
3. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.
4. Petroleum contaminated soil that has been remediated to acceptable State or federal standards.
5. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.
6. Material that is legitimately recycled pursuant to Section 455D.4A of the *Code of Iowa.*
7. Post-use polymers or recoverable feedstocks that are any of the following:

(1) Processed at a pyrolysis or gasification facility.

(2) Held at a pyrolysis or gasification facility prior to processing to ensure production is not interrupted.

1. “Toxic and hazardous waste” means waste materials, including (but not limited to) poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials, and similar harmful waste that requires special handling and that must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(567 IAC 100.2)

1. “Yard waste” means any debris such as grass clippings, leaves, garden waste, brush, and trees. Yard waste does not include tree stumps.

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner’s premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than 30 days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

105.04 HEALTH AND FIRE HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

105.05 OPEN BURNING RESTRICTED. No person shall allow, cause, or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

(567 IAC 23.2 and 100.2)

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

(567 IAC 23.2[3]“a”)

1. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(567 IAC 23.2[3]“b”)

1. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

(567 IAC 23.2[3]“c”)

1. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing, and construction operations shall be limited to areas located at least one-fourth mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

(567 IAC 23.2[3]“d”)

1. Recreational Fires. Open fires for cooking, heating, recreation, and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.

(567 IAC 23.2[3]“e”)

1. Residential Waste. Backyard burning of residential waste at dwellings of four-family units or less.

(567 IAC 23.2[3]“f”)

1. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in firefighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

(567 IAC 23.2[3]“g”)

1. Pesticide Containers and Seed Corn Bags. The disposal by open burning of paper or plastic pesticide containers (except those formerly containing organic forms of beryllium, selenium, mercury, lead, cadmium, or arsenic) and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

(567 IAC 23.2[3]“h”)

1. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

(567 IAC 23.2[3]“i”])

1. Controlled Burning of a Demolished Building. The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.

(567 IAC 23.2[3]“j”)

1. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

(567 IAC 23.2[2])

105.06 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted or burned on the premises or placed in acceptable containers and set out for collection by the City. Yard waste collection shall be provided to all premises, including businesses, and shall be at least once monthly at such time as designated by the Council.

105.07 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, Sec. 455B.363)

105.08 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources.

(567 IAC 100.2)

(567 IAC 102.13[2] and 400 IAC 27.14[2])

105.09 WASTE STORAGE CONTAINERS.

1. Container Specifications. Waste storage containers shall comply with the following specifications:
2. Residential. Residential solid waste containers shall be provided by the collector.
3. Commercial. Every person owning, managing, operating, leasing, or renting any commercial premises where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.
4. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained and fully accessible to collection equipment, public health personnel, and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.
5. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served. Containers or other solid waste placed at the curb line shall not be so placed more than 12 hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection.
6. Nonconforming Containers. Solid waste placed in containers that are not in compliance with the provisions of this section will not be collected.

105.10 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.
2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.
3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid, or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.
4. Scavenging. Take or collect any solid waste that has been placed out for collection on any premises, unless such person is an authorized solid waste collector.
5. Dumpsters. Use a residential dumpster for disposal of building or construction materials, furniture or appliances, tires, brush, trees or weeds.

105.11 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by Winneshiek County are hereby designated as the official “Public Sanitary Disposal Project” for the disposal of solid waste produced or originating within the City.

105.12 RECYCLING PROGRAM. The City shall provide for the collection of recyclable material in accordance with the provisions of the contract between the City and the collector. All recyclable material shall be separated and prepared for collection in accordance with the rules and regulations as established by the collector.

[The next page is 667]

CHAPTER 106

COLLECTION OF SOLID WASTE

|  |  |
| --- | --- |
| 106.01 Collection Service | 106.06 Right of Entry |
| 106.02 Collection Vehicles | 106.07 Contract Requirements |
| 106.03 Loading | 106.08 Collection Fees |
| 106.04 Frequency of Collection | 106.09 Lien for Nonpayment |
| 106.05 Bulky Rubbish |  |

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of solid waste, except bulky rubbish as provided in Section 106.05, from residential premises only. The owners or operators of commercial, industrial, or institutional premises shall provide for the collection of solid waste produced upon such premises.

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leak-proof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution, or insect breeding and shall be maintained in good repair.

(567 IAC 104.9)

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial, and institutional premises as frequently as may be necessary, but not less than once each week.

106.05 BULKY RUBBISH. Bulky rubbish that is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures established by the Council.

106.06 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste, as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07 CONTRACT REQUIREMENTS. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste from residential premises for the City without first entering into a contract with the City. This section does not prohibit an owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

106.08 COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees for the same, in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449 [Iowa 1970])

1. Fee for Collection. The fee for solid waste collection and disposal and recycling, used or available, is:
2. Residential Regular Rate: $18.00
3. Residential Seasonal Rate: $14.40

(Subsection 1 – Ord. 08-01-2022 – Aug. 22 Supp.)

1. Payment of Bills. All fees are due and payable under the same terms and conditions as payment for water and electric service as established by the Utility Board of Trustees. To the extent that the fees are billed as part of a combined service account, utility services may be discontinued if the account becomes delinquent.

106.09 LIEN FOR NONPAYMENT. Except as provided for in Section 99.06 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified to the County Treasurer for collection in the same manner as property taxes. The provisions contained in Section 99.07 relating to lien notices shall also apply in the event of a delinquent account.

(Code of Iowa, Sec. 384.84)

[The next page is 701]

CHAPTER 116

TOWERS AND ANTENNAS

|  |  |
| --- | --- |
| 116.01 General Statement of Intent | 116.07 **Aesthetic Requirements** |
| 116.02 Definitions | 116.08 **Non-Conforming Towers Or Antennas** |
| 116.03 **Applicability** | 116.09 Abandonment |
| 116.04 Towers | 116.10 Modification |
| 116.05 Antennas | 116.11 Conflicts Resolved |
| 116.06 Support Facilities |  |

116.01 GENERAL STATEMENT OF INTENT. The provisions of this chapter are intended to regulate the location of towers and antennas. The Telecommunications Act of 1996 restructured and deregulated many aspects of the country’s communication industry. New wireless telecommunication providers entering the market desire to build a network that may require additional wireless telecommunications towers and antennas mounted on existing buildings and other structures. The purpose of these regulations is to encourage the use of the new technologies while protecting the safety and aesthetics of the community. The Board of Adjustment may, pursuant to the provisions of this chapter and the criteria set forth in Section 165.01(47) and Section 165.31 grant an applicant a special exception permitting the construction and location of a communications tower and/or antenna.

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

1. “ANSI” means the American National Standards Institute.
2. “Antenna” means any exterior transmitting, reception, or receiving device mounted on a tower, building, or freestanding structure and used in transmission or reception of electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.
3. “Antenna array” means a grouping of antennas that encompasses both transmitters and receivers of a single wireless telecommunication provider.
4. “Camouflaged” means a wireless communications facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure is considered camouflaged.
5. “Carrier” means a company which provides wireless communications services.
6. “Co-Location” means the mounting of one or more antenna facilities upon a previously existing tower, existing building, or structure.
7. “FAA” means the Federal Aviation Administration.
8. “FCC” means the Federal Communications Commission.
9. “Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term also includes radio and television transmission towers, microwave towers, cellular telephone towers, alternative tower structures, and other similar structures. The term includes the structure and any support thereto.
10. “Tower height” means the distance measured from the grade level at the base of the tower to the highest point on the tower, including any antenna mounted on the tower.
11. “Support facilities” means support buildings, boxes, cabinets, or similar structures containing electrical or mechanical equipment and developed for the reception or transmission of electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.

116.03 APPLICABILITY.

1. Nonessential Services. Wireless telecommunication towers and antennas shall be regulated pursuant to this chapter and not regulated as essential service, public utility, or private utility.
2. Exceptions. This chapter shall apply to all towers and antennas except the following:
3. Individually owned residential receive-only antennas.
4. Satellite receiving dishes not larger than five feet in diameter.
5. Existing or new public safety structures necessary for emergency communications or warning sirens operated by governmental subdivisions.

116.04 TOWERS.

1. No tower, and its associated support facilities, shall be constructed except upon the granting of a special exception by the Board of Adjustment and except in accordance with the provisions of the Zoning Ordinance and this chapter.
2. This chapter specifies no particular height limitation on new towers. Towers shall be set back 100 feet or the height of the tower, whichever is greater, from any platted or existing residential structure, provided however, that the Zoning Board of Adjustment may reduce this setback requirement to the greater of 100 feet or 50 percent of the height of the tower upon certification by a professional engineer that the tower design does not pose a significant threat to personnel or structures outside the reduced setback.
3. Guys and support facilities must comply with setback requirements for the district in which they are located.
4. Towers are prohibited in any Public Open Space District.
5. Towers are prohibited in Historic Districts and within 1,000 feet of any Historic District.
6. New towers shall be set back from public right-of-way a minimum distance equal to 50 percent of the height of the tower building, including all antennas and attachments, unless camouflaged or building (roof or side) mounted.
7. Towers shall not be located between a principal structure and a public street unless the Zoning Board of Adjustment makes a specific finding the goals of this chapter would be better served thereby.
8. In all zoning districts, towers shall meet the setback of the underlying zoning district, provided however a fall zone equal to at least 50 percent of the height of the tower must be maintained. This setback distance may be obtained by easement.
9. The following information shall be submitted with the application for special exception:
10. Site and landscape plans drawn to scale with all required setbacks, vehicular parking, and access.
11. A report, including a description and visual depiction of the tower, with technical reasons for its design and an explanation of why existing towers or other structures cannot be utilized.
12. Engineered plans for the structure and foundation.
13. The general capacity of the tower and information necessary to assure that ANSI standards are met.
14. Proof of ownership of the proposed site or authorization to utilize it.
15. An analysis of the area containing existing topographical contours shown at 10 foot intervals for the subject property and adjacent properties within 200 feet of the subject property.
16. A signed affidavit from the applicant verifying the inability to locate the proposed antennas on existing towers or other structures accompanied by supporting documentation as specified in Section 116.07(5).
17. The applicant shall submit a letter of intent stating whether the applicant intends or is willing to lease space on the tower to other potential users at reasonable rates and on reasonable terms. Reasonable rates and reasonable terms shall refer to the following: pricing, duration, non-interference, insurance, defense, and indemnifications. The letter shall commit the tower owner and successors in interest to:

(1) Negotiate in good faith for shared use by third parties.

(2) Allow shared use if an applicant agrees in writing to pay reasonable rental charges or other consideration.

(3) Make no more than a reasonable charge for shared use based on generally accepted industry standards and impose no terms or conditions that would render co-location impractical.

1. Documentation demonstrating the amount of liability insurance to be carried by the owner on the proposed tower.
2. Method of fencing and finished color. Colors of the proposed wireless communications facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
3. Method of camouflage and illumination if applicable.
4. Existing (before condition) photographs. Each site line shall be illustrated by one eight-inch by 10-inch color photograph of what can currently be seen from any public road within 300 feet and from any residential property within 300 feet.
5. Each of the existing condition photographs shall have the proposed wireless communications facility superimposed on it to show what will be seen from public roads and residential properties, if the proposed wireless communications facility is built.
6. A letter of intent that, upon application approval, the applicant is agreeable to signing a hold harmless agreement upon the issuance of a building permit, naming the City, the Zoning Board of Adjustment, and its agents and employees harmless from any claim or cause of action, including monetary damages, arising out of the approval of the special use permit, and a $1,000,000.00/$3,000,000.00 liability insurance policy naming the City and the Zoning Board of Adjustment as additional insureds.

116.05 ANTENNAS.

1. No antenna or antenna array shall be constructed, except upon the granting of a special exception by the Board of Adjustment, and except in accordance with the provisions of the Zoning Ordinance and this chapter.
2. The following information shall be submitted with the application for special exception:
3. A simple site plan shall be submitted for each antenna or antenna array providing the following information:

(1) Mounting location of proposed antenna or antenna array on host structure.

(2) Description of antenna or antenna array height and width, including a photo (if available) or other visual representation.

(3) Proof of ownership of the proposed site or authorization to utilize it.

1. The information required by Section 116.04(9) as reasonably applies to antenna and antenna array placement.
2. No antenna shall extend more than 30 feet above the highest point of the host structure.
3. Antennas may be mounted on non-residential structures, including but not limited to, existing towers, traffic signals, street lights, water towers, billboards, telephone tower and emergency signal poles, bridges, and parking deck structures.
4. Antennas or antenna arrays shall comply with the maximum height requirement of the zoning district in which they are located. Applicants proposing an antenna higher than allowed by the zoning district in which it will be located may apply for a variance to the Zoning Board of Adjustment.
5. No antenna or antenna array may, by virtue of this chapter, occupy, encroach, or "overhang" any public right- of-way without the expressed approval of the City.
6. Within residential zoning districts, and other locations deemed necessary, antennas shall be allowed only if they are camouflaged or building (roof or side) mounted.
7. Each antenna installation shall require a separate special exception. The application for the special exception shall include a signed affidavit from the applicant verifying the inability to locate the proposed antennas on existing towers or other structures, accompanied by supporting documentation as specified in Section 116.07(5).
8. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure background so as to make the antenna and related equipment as visually unobtrusive as possible.
9. A building permit for the installation of an antenna in a Historic District requires the prior issuance of a Certificate of Appropriateness from the Historic Preservation Commission.

116.06 SUPPORT FACILITIES.

1. Support facilities shall be of a color and construction that is compatible with surrounding development.
2. Support facilities shall not be more than 400 square feet of gross floor area and more than 12 feet in height.
3. Setbacks for support facilities shall be the same as the setbacks required for other structures in the zoning district in which they are located.

116.07 AESTHETIC REQUIREMENTS. Towers and antennas shall meet the following requirements:

1. Aesthetics.
2. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
3. At a tower site, the design of the building, equipment shelter, and related structures shall, to the extent possible, use materials, colors, and textures that will blend into the existing setting and surrounding buildings.
4. In a residentially zoned district, the camouflaging of tower structures and antennas may be required by the Zoning Board of Adjustment. For example, antennas may be mounted on church steeples, bell towers, flag poles, buildings, water towers, utility poles, etc.
5. Landscaping and Screening Requirements.
6. Support facilities and tower bases shall be landscaped with a buffer of plant materials that effectively screens from view the tower base and any support facilities from adjacent property or street. The plantings installed shall be of a size and species that can achieve a height of six feet and 75 percent opacity within three growing seasons.
7. In locations where the visual impact of the tower and support facilities would be minimal, the landscape requirement may be reduced or waived by the City Clerk.
8. Existing mature tree growth and natural land forms on the property shall be preserved to the maximum extent possible. Natural growth around the property perimeter may be considered a sufficient buffer for a proposed tower and support facilities as determined by the City Clerk.
9. Lighting. The towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and designs chosen must cause the least interference to the surrounding views.
10. Signage. The use of any portion of a tower for signs other than warning signs is prohibited.
11. Co-location.
12. Licensed carriers shall share wireless communications facilities and sites where feasible and appropriate, thereby reducing the number of wireless communications facilities that are stand-alone facilities. All applicants for a special exception for a wireless communications facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:

(1) A survey of all existing structures that may be feasible sites for co-locating wireless communication facilities;

(2) Contact with all the other licensed carriers for commercial mobile radio services operating in the County; and

(3) Sharing information necessary to determine if co-location is feasible under the design configuration.

1. In the event that co-location is found to be not feasible, a notarized affidavit stating the reasons for the infeasibility shall be submitted to the City. The City may retain a technical expert in the field of RF engineering to verify if co-location at the site is not feasible, given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant. The City may deny a special exception to an applicant that has not demonstrated a good faith effort to provide for co-location.
2. Any new tower permitted shall be designed to accommodate wireless communications service for at least one additional user, unless said tower is less than 75 feet in height or subject to extenuating circumstances.

116.08 NON-CONFORMING TOWERS OR ANTENNAS. Any existing tower or antenna which becomes non-conforming on the effective date of this chapter, or becomes non-conforming at any future date, shall be considered a non-conforming use and regulated by Section 165.10, et seq. of the Zoning Ordinance, except as follows:

1. New antennas and support facilities may be mounted on a non-conforming tower upon conditions established by the Board of Adjustment and a finding by the Board of Adjustment that such conditions serve the goals of this chapter.
2. Should any lawful nonconforming tower be destroyed by any means to an extent of more than 75 percent of its replacement cost at the time of destruction, it may only be reconstructed in conformance with the provisions of this chapter, provided that the destruction was caused by an accident or act of God occurring after the effective date of this chapter and such reconstruction does not increase the degree of nonconformity that existed prior to destruction.

116.09 ABANDONMENT.

1. The operator of a tower shall provide the City with a copy of the notice to the FCC of intent to cease operations. The operator shall have 90 days from the date of ceasing operations to remove the tower and support facilities.
2. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of issue date of the notice to remove the tower or antenna. A maximum of two 12-month extensions may be granted by the City Clerk if the tower operator is actively seeking tenants for the subject tower.
3. If the owner of a tower fails to remove the tower, after notice to remove the tower, the City shall have the authority to enter the subject property and physically remove the tower. The Zoning Board of Adjustment shall require the applicant to post adequate security at the time of construction to cover costs for the removal of the tower in the event the City must remove the tower.

116.10 MODIFICATION. Modification of, or a co-location to, a tower or antenna is equivalent to an application for a new tower or antenna and shall require a special exception; except for minor modifications and upgrades which do not materially increase the size or appearance of the facility.

116.11 CONFLICTS RESOLVED. To the extent a conflict or deemed conflict exists between the provisions of this chapter and any other provision of the Code of Ordinances of the City of McGregor, the provisions of this chapter shall prevail.

[The next page is 725]

CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

|  |  |
| --- | --- |
| 120.01 License or Permit Required | 120.04 Action by Council |
| 120.02 General Prohibition | 120.05 Prohibited Sales and Acts |
| 120.03 Investigation | 120.06 Amusement Devices |

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit, or beer permit in accordance with the provisions of Chapter 123 of the *Code of Iowa*.

(Code of Iowa, Sec. 123.22, 123.122, and 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer, or keep for sale, possess, or transport alcoholic liquor, wine, or beer except upon the terms, conditions, limitations, and restrictions enumerated in Chapter 123 of the *Code of Iowa*, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39, and 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a retail alcohol license, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license for any premises that does not conform to the applicable law and ordinances, resolutions, and regulations of the City.

(Code of Iowa, Sec. 123.30)

(Ord. 08-03-2022 – Aug. 22 Supp.)

**120.04 ACTION BY COUNCIL.** The Council shall either approve or disapprove the issuance of a retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the Alcoholic Beverages Division. (Ord. 08-03-2022 – Aug. 22 Supp.)

*(Code of Iowa, Sec. 123.32[2])*

**120.05 PROHIBITED SALES AND ACTS.** A person holding a retail alcohol license and the person’s agents or employees shall not do any of the following:

1. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic beverage.

(Code of Iowa, Sec. 123.49[1])

2. Sell or dispense any alcoholic beverage on the premises covered by the license, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on any day of the week.

(Code of Iowa, Sec. 123.49[2b])

3. Sell alcoholic beverages to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests, or to retail sales by the managing entity of a convention center, civic center, or events center.

(Code of Iowa, Sec. 123.49[2c])

4. Employ a person under 18 years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49[2f])

5. In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, or any other beverage in or about the permittee’s place of business.

(Code of Iowa, Sec. 123.49[2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license.

(Code of Iowa, Sec. 123.49[2j])

8. Keep on premises covered by a retail alcohol license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.

(Code of Iowa, Sec. 123.49[2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package that has been reused or adulterated.

(Code of Iowa, Sec. 123.49[2e])

10. Allow any person other than the licensee or employees of the licensee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container that is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49[2g])

11. Sell, give, possess, or otherwise supply a machine that is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[21])

12. Permit or allow any person under 21 years of age to remain upon licensed premises unless over 50 percent of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a Class “C” beer permit only.

(Section 120.05 – Ord. 08-03-2022 – Aug. 22 Supp.)

120.06 AMUSEMENT DEVICES. The following provisions pertain to electrical or mechanical amusement devices possessed and used in accordance with Chapter 99B of the *Code of Iowa*. (Said devices are allowed only in premises with a retail alcohol license, as specifically authorized in said Chapter 99B.)

(Code of Iowa, Sec. 99B.57)

1. As used in this section, “registered electrical or mechanical amusement device” means an electrical or mechanical device required to be registered with the Iowa Department of Inspection and Appeals, as provided in Section 99B.53 of the *Code of Iowa*.

2. It is unlawful for any person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing a registered electrical or mechanical amusement device, or an employee of a person owning or leasing a registered electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of a registered electrical or mechanical amusement device with a person under the age of 21.

(Section 120.06 – Ord. 08-03-2022 – Aug. 22 Supp.)

[The next page is 733]

CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

|  |  |
| --- | --- |
| 121.01 Definitions | 121.06 Refunds |
| 121.02 Permit Required | 121.07 Persons Under Legal Age |
| 121.03 Application | 121.08 Self-Service Sales Prohibited |
| 121.04 Fees | 121.09 Permit Revocation |
| 121.05 Issuance and Expiration |  |

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

(Code of Iowa, Sec. 453A.1)

1. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, cigarette shall not be construed to include cigars.
3. “Place of business” means any place where cigarettes, tobacco products, alternative nicotine products, or vapor products are sold, stored, or kept for the purpose of sale or consumption by a retailer.
4. “Retailer” means every person who sells, distributes, or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.
5. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
6. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.
7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product” includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. “Vapor product” does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

121.02 PERMIT REQUIRED.

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

(Code of Iowa, Sec. 453A.13)

1. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

121.03 APPLICATION. A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13 and 453A.47A)

121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13 and 453A.47A)

|  |  |
| --- | --- |
| **FOR PERMITS GRANTED DURING:** | **FEE:** |
| July, August, or September | $ 75.00 |
| October, November, or December | $ 56.25 |
| January, February, or March | $ 37.50 |
| April, May, or June | $ 18.75 |

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of issuance of a permit.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

(Code of Iowa, 453A.13 and 453A.47A)

121.07 PERSONS UNDER LEGAL AGE. A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 21 years of age. The provision of this section includes prohibiting a person under 21 years of age from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of $300.00. Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of 14 days.
2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of $1,500.00 or the retailer’s permit shall be suspended for a period of 30 days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of $1,500.00 and the retailer’s permit shall be suspended for a period of 30 days.
4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of $1,500.00 and the retailer’s permit shall be suspended for a period of 60 days.
5. For a fifth violation within a period of four years, the retailer’s permit shall be revoked.

The Clerk shall give 10 days’ written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36[6] of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the *Code of Iowa*, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the *Code of Iowa* or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

[The next page is 741]

CHAPTER 122

PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS, MOBILE FOOD VENDORS, AND PUSH CARTS

|  |  |
| --- | --- |
| 122.01 Purpose | 122.10 Time Restriction |
| 122.02 Definitions | 122.11 Revocation of License |
| 122.03 License Required | 122.12 Hearing |
| 122.04 Application for License | 122.13 Record and Determination |
| 122.05 License Fees | 122.14 Appeal |
| 122.06 Bond Required | 122.15 Effect of Revocation |
| 122.07 License Issued | 122.16 License Exemptions |
| 122.08 Display of License | 122.17 Charitable and Nonprofit Organizations |
| 122.09 License Not Transferable | 122.18 Mobile Food Vendors and Pushcarts |

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. “Mobile food vendor” means a person engaged in the business of selling food or beverages from a mobile food unit (self-contained motorized vehicle, trailer, or pushcart).
2. “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.
3. “Pushcart” means a non-motorized vehicle with dimensions not exceeding four feet in width and eight feet in length and eight feet in height and being capable of being moved and kept under control by one person traveling on foot.
4. “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.
5. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases, or occupies any building or structure whatsoever, or who operates out of a vehicle that is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader, or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader, or auctioneer does not exempt any person from being considered a transient merchant.

122.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting, or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant’s name, permanent and local address, and business address if any. The application shall also set forth the applicant’s employer, if any, and the employer’s address, the nature of the applicant’s business, the last three places of such business, and the length of time sought to be covered by the license.

122.05 LICENSE FEES. The following license fees shall be paid to the Clerk prior to the issuance of any license. License fees are non-refundable.

1. For one day or any part thereof $5.00
2. For more than one day, up to one week $10.00
3. For up to six months $25.00
4. For one year or major part thereof $50.00

122.06 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa*.

122.07 LICENSE ISSUED. If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct, and the license fee paid, a license shall be issued immediately.

122.08 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant’s license in the merchant’s place of business.

122.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.10 TIME RESTRICTION. All peddler’s and solicitor’s licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 7:00 p.m.

122.11 REVOCATION OF LICENSE. Following a written notice and an opportunity for a hearing, the Clerk may revoke any license issued pursuant to this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health, or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order, or morals.

The Clerk shall send the written notice to the licensee at the licensee’s local address. The notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time, and place for hearing on the matter.

122.12 HEARING. The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

122.13 RECORD AND DETERMINATION. The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

122.14 APPEAL. If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons for such revocation or refusal. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

122.15 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

122.16 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 local school districts 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.
7. Minor Businesses. An on-site transactional business traditionally operated exclusively by a person under the age of 18, operated on an occasional basis for no more than 89 calendar days in a calendar year.

(Code of Iowa, Sec. 364.3[13])

122.17 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa* desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit to the Clerk in writing the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees, or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization, the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.14 of this chapter.

122.18 MOBILE FOOD VENDORS AND PUSHCARTS. Mobile food vendors and pushcarts are not allowed except in compliance with the City’s Mobile Food Vendor and Pushcart Policy or if in conjunction with an otherwise approved event.

[The next page is 749]

CHAPTER 123

HOUSE MOVERS

|  |  |
| --- | --- |
| 123.01 House Mover Defined | 123.08 Reimbursement of City Expenses |
| 123.02 Permit Required | 123.09 Public Safety |
| 123.03 Application | 123.10 Time Limit |
| 123.04 Bond Required | 123.11 Removal by City |
| 123.05 Insurance Required | 123.12 Protect Pavement |
| 123.06 Permit Fee | 123.13 Overhead Wires |
| 123.07 Permit Issued |  |

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.

123.03 APPLICATION. Application for a house mover’s permit shall be made in writing to the Clerk on a form provided by the City.. 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 Mayor, 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 $5,000.00 issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

123.05 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury – $50,000.00 per person; $100,000.00 per accident.
2. Property Damage – $50,000.00 per accident.

123.06 PERMIT FEE. A permit fee of $150.00 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 REIMBURSEMENT OF CITY EXPENSES. The permittee shall reimburse the City for any time which is spent by a City official or employee during the moving of a building or structure, at a rate of $40.00 per hour.

123.09 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.

123.10 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than 12 hours without having first secured the written approval of the City.

123.11 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.10, 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.

123.12 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one inch in width for each 1,000 pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.13 OVERHEAD WIRES. The holder of any permit to move a building shall see that all telephone, cable television, and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

[The next page is 755]

CHAPTER 124

LICENSING OF JUNK DEALERS, SECONDHAND GOODS DEALERS AND PAWNBROKERS

|  |  |
| --- | --- |
| 124.01 Definitions | 124.08 Fencing Requirements for Junk and |
| 124.02 License Required | Salvage Operations |
| 124.03 Application; Fee | 124.09 Purchases from Minors Restricted |
| 124.04 Power to Inspect and Investigate | 124.10 Revocation of License |
| 124.05 Issuance of License | 124.11 Transfer |
| 124.06 Purchases, Security, and | 124.12 Display of License |
| Consignment Transactions | 124.13 Exemptions |
| 124.07 Records Required |  |

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

1. “Auto salvage dealer” means any person who engages in the business of buying automobiles, or automobile parts, or tires, for resale in whole or in part as junk or as used parts.
2. “Junk” means old or scrap copper, brass, wire, rope, rags, batteries, paper, trash, rubber debris, waste; or junked, dismantled, or wrecked automobiles or parts of automobiles; or iron, steel, or other old or scrap ferrous or non-ferrous material.
3. “Junk collector” means any person who travels about the City from house to house or place to place collecting or buying junk.
4. “Junk dealer” means every person or organization who purchases junk for the purpose of resale and who possesses a State retail sales tax permit.
5. “Pawnbroker” means a person who makes loans or advances upon pawn, pledge or deposit of personal property, or who receives actual possession of personal property as security for a loan, with or without a mortgage or bill of sale.
6. “Secondhand goods dealer” means any person who purchases used goods or materials, as set out in Section 124.06 hereof, for the purpose of resale and who possesses a State retail sales tax permit, or who, while not required to possess a State retail sales tax permit, advertises and purchases antique, used, or scrap jewelry and precious metals.

124.02    LICENSE REQUIRED. No person shall carry on or engage in business as a junk dealer, junk collector, auto salvage dealer, pawnbroker, or secondhand goods dealer in the City without first obtaining an annual license therefor from the City.

124.03    APPLICATION; FEE. An applicant for a license under this chapter must [complete](mailto:compl@it-e) an application form provided by the Clerk and pay a license fee in the amount of $100.00.

124.04    POWER TO INSPECT AND INVESTIGATE. Upon receipt of an application for a license, the Clerk shall forward it immediately to the Police Department, which shall conduct an investigation and submit a written report concerning the truth of the facts stated in the application and a recommendation concerning whether or not a license should be issued.

124.05    ISSUANCE OF LICENSE. If the Clerk finds that all of the conditions prescribed for the issuance of the license have been satisfied, the license shall be issued immediately to the applicant. The Clerk must make a determination whether to issue the license within 10 days after the date a completed application is submitted. If the Clerk refuses to act within this period, the applicant shall have a right to a hearing before the Council at its next regular meeting on whether the license should be issued.

124.06    PURCHASES, SECURITY, AND CONSIGNMENT TRANSACTIONS. The purchase of and the receipt as security or on consignment of the following listed goods or materials are governed by this chapter:

|  |  |
| --- | --- |
| Household appliances | Household furniture |
| Glassware | Jewelry |
| Precious and semiprecious stones | Silver and silverware |
| Silver coins | Gold and gold coins |
| Stereo equipment | Radio equipment |
| Television equipment | Tradesmen’s tools |
| Junk |  |

Antique, used, or scrap jewelry and precious metals shall be retained in the local place of business and it is unlawful to change the form of said items by melting, remounting, cutting up, or otherwise changing the form of said items for a period of 120 hours after the time of the transaction. Beverage containers and scrap paper are exempt from the provisions of this chapter.

124.07    RECORDS REQUIRED. When goods or materials described in Section 124.06 are received by purchase, as security or on consignment, it is the duty of the person receiving the same to record the following information concerning the transaction:

1. Name and address of the person from whom received.
2. Date, time, and place of the transaction.
3. A detailed and accurate description of the property received.
4. A record of whether the transaction was a purchase, a security, or consignment transaction.
5. A record of moneys paid or loaned, which may be maintained separately, but which must be available for inspection in the course of examination of individual transactions.

All receipts and records shall be open to inspection during regular business hours by any peace officer acting in the course of official duty. Failure to keep such records, or making false entries therein, or refusal to produce the same when requested by the persons entitled to inspect the same shall subject the offender to penalties.

124.08    FENCING REQUIREMENTS FOR JUNK AND SALVAGE OPERATIONS. No junk shall be stored or automobile salvage operation carried on within 20 feet of any property line or 100 feet of any street line within the City unless the premises upon which such junk is stored or automobile salvage work is performed is completely enclosed by a solid metal fence not less than eight feet in height, and such fence shall be kept and maintained in a good state of repair.

124.09    PURCHASES FROM MINORS RESTRICTED. No pawnbroker, secondhand goods dealer, or junk dealer, or any agent or employee of the same, shall purchase or receive property from any person under the age of 18 years without first obtaining and receiving the written consent of the parent or guardian of such person. Such written consent shall be made a part of the required records and subject to all provisions of Section 124.07.

124.10    REVOCATION OF LICENSE. After giving a licensee reasonable notice and after a hearing, the Clerk may revoke any license issued under this chapter for the following reasons:

1. The licensee has made fraudulent statements in the application for the license or in the conduct of business.
2. The licensee has violated this chapter or has otherwise conducted business in an unlawful manner.
3. The licensee has conducted business in such a manner as to endanger the public welfare, health, safety, order, or morals.

124.11    TRANSFER. In no case shall a license issued under this chapter be transferred to another person or be used for a purpose other than that for which it was issued.

124.12    DISPLAY OF LICENSE. Every person who is issued a license under the provisions of this chapter shall display the license in a conspicuous place on the premises on which the business is being conducted.

124.13    EXEMPTIONS. This chapter shall not be construed to require a license of each employee or agent of a person engaged in a licensed occupation. Only the owner, manager, or agent of such an occupation need possess a license.

[The next page is 763]

CHAPTER 125

HOTEL/MOTEL TAX

|  |  |
| --- | --- |
| 125.01 Definitions | 125.04 Collection |
| 125.02 Tax Imposed | 125.05 Use of Revenues |
| 125.03 Tax Exemptions |  |

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

1. “Lodging” means rooms, apartments, or sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, or manufactured or mobile home which is tangible personal property, or in a tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals. Lodging does not include rooms that are not used for sleeping accommodations.
2. “Renting” or “rent” means a transfer of possession or control of lodging for a fixed or indeterminate term for consideration and includes any kind of direct or indirect charge for such lodging or its use.
3. “Sales price” means the consideration for renting of lodging and means the same as the term is defined in Section 423.1 of the *Code of Iowa*.

All other words and phrases used in this chapter and defined in Section 423.1 of the *Code of Iowa* have the meaning given them by Section 423.1 for the purposes of this chapter.

(Code of Iowa, Sec. 423A.2)

125.02    TAX IMPOSED. There is hereby imposed a seven percent local hotel and motel tax upon the sales price from the renting of lodging within the City.

(Code of Iowa, Sec. 423A.4)

125.03    TAX EXEMPTIONS. All of the following are exempted from the provisions of this chapter and from the computation of any amount of tax imposed by Section 125.02:

1. The sales price from the renting of lodging to a person where the lodging is rented by the same person for a period of more than 31 consecutive days, except as provided in Subsection 2 of this section.

2. The sales price from the renting of lodging to a person where the lodging is rented by the same person for the period beginning after 90 consecutive days of rental by such person, if the rental is a room, apartment, or sleeping quarter in a hotel, motel, inn, public lodging house, or rooming house, or in any place where sleeping accommodations are furnished to a transient guest.

3. The sales price of lodging furnished to the guests of a religious institution if the property is exempt under Section 427.1[8] of the *Code of Iowa*, and the purpose of renting is to provide a place for a religious retreat or function and not a place for transient guests generally.

4. The sales price from the renting of sleeping rooms in dormitories and in memorial unions at all universities and colleges located in the City.

5. The sales price of lodging furnished to the guests of a nonprofit lodging provider and the purpose of renting is to provide a place for the friends and family of a hospital patient during a time of medical need of the patient and the length of stay is based upon the needs of the friends, family, or patient. For purposes of this subsection, *“*nonprofit lodging provider*”* means a nonprofit entity which is exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code that maintains an established facility that provides lodging to friends and family of a hospital patient during a time of medical need of the patient.

(Code of Iowa, Sec. 423A.5)

125.04    COLLECTION. The tax imposed in this chapter shall be remitted by the person or company liable for same to the State Director of Revenue in the manner required by State law.

(Code of Iowa, Sec. 423A.6)

125.05    USE OF REVENUES. All revenue received by the City from the imposition of the hotel and motel tax shall be deposited in the General Fund of the City and shall be used as follows:

1. Sixty-six and two-thirds percent of the revenue derived from the hotel and motel tax shall be spent for the acquisition of sites for, or constructing, improving, enlarging, equipping, repairing, operating, or maintaining of recreation, convention, cultural, or entertainment facilities including but not limited to memorial buildings, halls and monuments, civic center convention buildings, auditoriums, coliseums, and parking areas or facilities located at those recreation, convention, cultural, or entertainment facilities or the payment of principal and interest, when due, on bonds or other evidence of indebtedness issued by the City for those recreation, convention, cultural, or entertainment facilities; or for the promotion and encouragement of tourist and convention business in the City and surrounding areas.

2. The remaining revenues may be spent by the City for any City operation authorized by law as a proper purpose for the expenditure within statutory limitations of City revenue derived from ad valorem taxes.

(Code of Iowa, Sec. 423A.7)

[The next page is 801]

CHAPTER 135

STREET USE AND MAINTENANCE

|  |  |
| --- | --- |
| 135.01 Removal of Warning Devices | 135.08 Burning Prohibited |
| 135.02 Obstructing or Defacing | 135.09 Excavations |
| 135.03 Placing Debris On | 135.10 Property Owner’s Responsibility for Maintenance |
| 135.04 Playing In | 135.11 Failure to Maintain |
| 135.05 Traveling On Barricaded Street or Alley | 135.12 Dumping of Snow |
| 135.06 Use for Business Purposes | 135.13 Driveway Culverts |
| 135.07 Washing Vehicles |  |

135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy, or carry away from any street or alley any lamp, obstruction, guard, or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass, or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal, or vehicle.

(Code of Iowa, Sec. 321.369)

135.04 PLAYING IN. It is unlawful for any person to coast, sled, or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

135.05 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer, or member of the Fire Department.

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale, or offering same for sale, without permission of the Council.

135.07 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street, or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

135.08 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish, or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.09 EXCAVATIONS. No person shall dig, excavate, or in any manner disturb any street, parking, or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit. A written application for such permit shall be filed with the City and shall contain the following:
2. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
3. A statement of the purpose, for whom and by whom the excavation is to be made;
4. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
5. Date of commencement of the work and estimated completion date.
6. Public Convenience. Streets and alleys shall be opened in the manner that will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
7. 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.
8. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of $1,000.00 issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of $1,000.00 may be filed with the City.
9. 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:
10. Bodily Injury - $50,000.00 per person; $100,000.00 per accident.
11. Property Damage - $50,000.00 per accident.
12. 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.
13. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, and no resurfacing of any improved street or alley surface shall begin, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least 24 hours prior to the time when inspection of backfill is desired.
14. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of 24 hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses for such work to the permit holder/property owner.
15. 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.
16. Notification. At least 48 hours prior to the commencement of the excavation, excluding Saturdays, Sundays, and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the *Code of Iowa*.
17. Permit Fee. A permit fee of $50.00 shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.
18. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.

135.10 PROPERTY OWNER’S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain all property outside the lot and property lines and inside the curb lines upon public streets and shall keep such area in a safe condition, free from nuisances, obstructions, and hazards.  In the absence of a curb, such property shall extend from the property line to that portion of the public street used or improved for vehicular purposes.  The abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way.  Maintenance includes, but is not limited to, timely mowing, trimming trees and shrubs, and picking up litter and debris.  The abutting property owner may be liable for damages caused by failure to maintain the publicly owned property or right-of-way.[[4]](#footnote-4)†

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

135.11 FAILURE TO MAINTAIN. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the Business District it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

135.13 DRIVEWAY CULVERTS. The property owner shall, at the owner’s expense, install any culvert deemed necessary under any driveway or any other access to the owner’s property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

[The next page is 809]

CHAPTER 136

SIDEWALK REGULATIONS

|  |  |
| --- | --- |
| 136.01 Purpose | 136.11 Interference with Sidewalk Improvements |
| 136.02 Definitions | 136.12 Awnings |
| 136.03 Removal of Snow, Ice, and Accumulations | 136.13 Encroaching Steps |
| 136.04 Property Owner’s Responsibility for Maintenance | 136.14 Openings and Enclosures |
| 136.05 City May Order Repairs | 136.15 Fires or Fuel on Sidewalks |
| 136.06 Sidewalk Construction Ordered | 136.16 Defacing |
| 136.07 Permit Required | 136.17 Debris on Sidewalks |
| 136.08 Sidewalk Standards | 136.18 Merchandise Display |
| 136.09 Barricades and Warning Lights | 136.19 Sales Stands |
| 136.10 Failure to Repair or Barricade |  |

136.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement, or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. “Broom finish” means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. “Established grade” means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. “One-course construction” means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. “Owner” means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, “owner” includes the lessee, if any.
5. “Portland cement” means any type of cement except bituminous cement.
6. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
7. “Sidewalk improvements” means the construction, reconstruction, repair, replacement, or removal of a public sidewalk and/or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.
8. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS.  The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks.  If a property owner does not remove snow, ice, or accumulations within 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.  The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk.

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

136.04 PROPERTY OWNER’S RESPONSIBILITY FOR MAINTENANCE.  The abutting property owner shall maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

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

136.05 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

136.06 SIDEWALK CONSTRUCTION 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. A written application for such permit shall be filed with the City and shall be accompanied by a permit fee of $10.00.

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:
6. Residential sidewalks shall be at least four feet wide and four inches thick, and each section shall be no more than six feet in length.
7. Business District sidewalks shall extend from the property line to the curb. Each section shall be four inches thick and no more than six feet in length.
8. Driveway areas shall be not less than six inches in thickness.
9. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot from the property line, unless the Council establishes a different distance due to special circumstances.
10. Grade. Curb tops shall be on level with the centerline of the street, which is the established grade.
11. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half inch above the curb for each foot between the curb and the sidewalk.
12. Slope. All sidewalks shall slope one-fourth inch per foot toward the curb.
13. Finish. All sidewalks shall be finished with a broom finish or wood float finish.
14. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

(Code of Iowa, Sec. 216C.9)

136.09 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner’s contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice provided by this chapter.

136.12 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

136.13 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

136.14 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating, or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six feet of any sidewalk.

136.15 FIRES OR FUEL ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.16 DEFACING. It is unlawful for a person to scatter or place any paste, paint, or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

136.17 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal, or vehicle.

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

136.18 MERCHANDISE DISPLAY. It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three feet of the sidewalk next to the building be occupied for such purposes.

136.19 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables, or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

[The next page is 817]

CHAPTER 137

VACATION AND DISPOSAL OF STREETS

|  |  |
| --- | --- |
| 137.01 Power to Vacate | 137.04 Findings Required |
| 137.02 Planning and Zoning Commission | 137.05 Disposal of Vacated Streets or Alleys |
| 137.03 Notice of Vacation Hearing | 137.06 Disposal by Gift Limited |

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof, or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof, or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within 30 days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

137.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.04 FINDINGS REQUIRED. No street, alley, portion thereof, or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof, or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, *Code of Iowa*.

(Code of Iowa, Sec. 364.7)

137.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.

(Code of Iowa, Sec. 174.15[2] and 364.7[3])

|  |  |  |  |
| --- | --- | --- | --- |
| **EDITOR’S NOTE** | | | |
| The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets, alleys and/or public grounds and remain in full force and effect. | | | |
| **ORDINANCE NO.** | **ADOPTED** | **ORDINANCE NO.** | **ADOPTED** |
| 10-1-00 | 10-18-00 |  |  |
| 06-01-2012 | 6-20-12 |  |  |
| 03-01-2013 | 3-20-13 |  |  |
| 02-01-2014 | 2-19-14 |  |  |
| 04-01-2016 | 4-20-16 |  |  |
| 12-01-2016 | 12-21-16 |  |  |
| 08-01-2018 | 8-15-18 |  |  |
| 07-02-2020 | 7-15-20 |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

[The next page is 823]

CHAPTER 138

STREET GRADES

|  |  |
| --- | --- |
| 138.01 Purpose and Definition | 138.03 Record Maintained |
| 138.02 Established Grades |  |

138.01 PURPOSE AND DEFINITION.  This chapter is designed to meet the requirements of the *Code of Iowa* for the establishment of street grades.  As used herein, “grade” means the longitudinal reference lines, as established by ordinance of the Council, which designate the elevation at which a street or sidewalk is to be built.

138.02 ESTABLISHED GRADES. The grades of all streets, alleys, and sidewalks, which have been heretofore established by ordinance, are hereby confirmed, ratified, and established as official grades.

138.03 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

|  |  |  |  |
| --- | --- | --- | --- |
| **EDITOR’S NOTE** | | | |
| The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect. | | | |
| **ORDINANCE NO.** | **ADOPTED** | **ORDINANCE NO.** | **ADOPTED** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

[The next page is 829]

CHAPTER 139

NAMING OF STREETS

|  |  |
| --- | --- |
| 139.01 Naming New Streets | 139.04 Official Street Name Map |
| 139.02 Changing Name of Street | 139.05 Revision of Street Name Map |
| 139.03 Recording Street Names |  |

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 McGregor, Iowa.”

139.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: “On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description),” which entry shall be signed by the Mayor and attested by the Clerk.

[The next page is 835]

CHAPTER 140

DRIVEWAY REGULATIONS

|  |  |
| --- | --- |
| 140.01 Definitions | 140.04 Sidewalks |
| 140.02 Permit | 140.05 Excavations |
| 140.03 Driveway Requirements | 140.06 Inspection and Approval |

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

1. “Driveway” means that part of any approach for motor vehicles to private property that lies between the property line and the roadway of the public street.

2. “Paving” includes any kind of hard surfacing, including but not limited to, Portland cement concrete, bituminous concrete, brick, stabilized gravel, or combinations of such materials, with the necessary base. “Paving” does not include surfacing with oil, gravel, oil and gravel, or chloride.

140.02    PERMIT. A written permit shall be obtained from the Clerk before any person shall construct or repair a driveway.

1. Application. A written application for the permit shall be filed with the Clerk. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the proposed plan of construction or repair which shall include the depth, width, and type of surfacing material to be used. No other plan shall be followed except by written permission of the Clerk, who may allow amendments to the application or permit which do not conflict with this chapter.
2. Issuance. The Clerk shall issue the permit, bearing the Clerk’s signature and the date of issuance, if the proposed plan meets all of the requirements of this chapter, if the fee required under this chapter has been paid, and if the construction or repair as planned will not create any substantial hazard in the use of the street or sidewalk for public travel or drainage, or create any defect.
3. Fee. The applicant shall pay a fee of $10.00 to the Clerk upon issuance of the permit. The Clerk shall give the applicant a written receipt showing the sum received and the date.
4. Expiration. Each permit shall expire one month from the date of issuance, if not constructed within that time.
5. Revocation. The Council may at any time revoke the permit for any violation of this chapter and may require that the work be stopped.

140.03    DRIVEWAY REQUIREMENTS. All driveways shall be of paving of a depth of not less than six inches and shall be at least eight feet in width. The driveway may be placed directly on compact and well-drained soil. Where soil is not compact and well drained, a sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The driveway shall not slope toward the roadway more than the Council deems safe. The maximum driveway width at the curb line shall be determined by the Council.

140.04    SIDEWALKS. The grade of any sidewalk shall not be altered by the work done. The driveway shall be at the same level as any existing sidewalk.

140.05    EXCAVATIONS. Excavations to do work under this chapter shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavations, the earth must be laid in layers and each layer tamped thoroughly. Any sidewalk, street, or other public property that is affected by the work shall be restored to as good a condition as it was previous to the excavation. The affected area shall be maintained in good repair to the satisfaction of the Council for three months after refilling.

140.06    INSPECTION AND APPROVAL. The driveway must be inspected and approved in writing by the Clerk within 30 days after the completion of the work. The Clerk shall keep a record of such approvals. If the Clerk refuses to approve the work, it must be corrected immediately so that it will meet with approval. If the work has been done improperly, the Clerk shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner. Such assessment shall be collected with the general property taxes and in the same manner.

[The next page is 841]

CHAPTER 141

RECEPTACLES IN PUBLIC RIGHT-OF-WAY

|  |  |
| --- | --- |
| 141.01 Prohibition | 141.03 Conditions |
| 141.02 Permission Granted |  |

141.01    PROHIBITION. No person shall maintain, construct, or place any mailbox or delivery receptacle upon any public way in the City except in conformity with the provisions of this chapter and pursuant to permission granted by the City.

141.02    PERMISSION GRANTED. A property owner who desires to construct or maintain a mailbox or other delivery receptacle upon the public right-of-way shall make application to the Zoning Administrator for permission therefor. Such application shall include the full name of all title holders of the property, a description of the mailbox delivery receptacle or other structure which the property owner proposes to place upon the public way, a diagram or plat of the affected property showing the proposed location in relationship to the public way and to the traveled portion of the public way. If upon review the Zoning Administrator finds that the mailbox or other delivery receptacle will not be a hazard to the public health or safety and will not interfere with the maintenance of and snow removal from the public way, permission will be granted.

141.03    CONDITIONS. Any permission given under the provisions of this chapter shall be subject to the following terms and conditions, and the property owner, by applying for permission, shall be deemed to have accepted these terms and conditions:

1. Any person who maintains a mailbox delivery receptacle or other structure upon the public way covenants and agrees to indemnify and hold harmless the City in regard to any claim arising out of the location and maintenance of the mailbox or other structure.

2. The property owner acknowledges that structures placed upon the public way adjacent to the traveled portion may be subject to damage or destruction during snow removal or maintenance operations and therefore, the property owner who places or maintains a mailbox or other structure upon any portion of the public way covenants and agrees that the City shall have no liability in the event of damage or destruction of the property owner’s property which has been placed on the public way, and the property owner assumes all risk of loss or damage because of such placement.

[The next page is 865]

CHAPTER 145

DANGEROUS BUILDINGS

|  |  |
| --- | --- |
| 145.01 Enforcement Officer | 145.05 Conduct of Hearing |
| 145.02 General Definition of Unsafe | 145.06 Posting of Signs |
| 145.03 Unsafe Building | 145.07 Right to Demolish; Municipal Infraction |
| 145.04 Notice to Owner | 145.08 Costs |

145.01 ENFORCEMENT OFFICER. The City Administrator is responsible for the enforcement of this chapter.

145.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life, or that in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. 657A.1 and 364.12[3a])

145.03 UNSAFE BUILDING. “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of: (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

145.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the *Code of Iowa*, if the owner is found within the City limits. If the owner is not found within the City limits, such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.
2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

145.05 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
2. Owner’s Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.[[5]](#footnote-5)†

145.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: “DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF MCGREGOR, IOWA.” Such notice shall remain posted until the required demolition, removal or repairs are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

145.07 RIGHT TO DEMOLISH; MUNICIPAL INFRACTION. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

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

145.08 COSTS. Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes. In addition, the City may take any other action deemed appropriate to recover costs incurred.

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

[The next page is 873]

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 10 or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or federal seals.
4. “Mobile home park” means any site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house said entity’s own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home that is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26)

1. Retailer’s Stock. Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.
2. Existing Homes. A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

**146.03 FOUNDATION REQUIREMENTS.** A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system that meets the support and anchorage requirements as recommended by the manufacturer or required by the *State Building Code*. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the *State Building Code*.

(Code of Iowa, Sec. 103A.10 and 414.28)

[The next page is 879]

CHAPTER 147

FIRE ZONE

|  |  |
| --- | --- |
| 147.01 Fire Zone Established | 147.05 Reconstruction Prohibited |
| 147.02 Plans Submitted | 147.06 Special Permit |
| 147.03 Buildings Prohibited | 147.07 Removal of Buildings |
| 147.04 Construction Standards | 147.08 Storage of Materials Restricted |

147.01 FIRE ZONE ESTABLISHED. A Fire Zone is established to include all territory within the City Business District.

147.02 PLANS SUBMITTED. It is unlawful to build, enlarge, or alter any structure, building, or part thereof, within the Fire Zone until a plan of the proposed work, together with a statement of materials to be used has been submitted to the Council, who shall, if in accordance with the provisions of this chapter, issue a permit for the proposed work.

147.03 BUILDINGS PROHIBITED. The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial rebuilding, are prohibited in the Fire Zone, unless constructed in strict compliance with the provisions of this chapter.

147.04 CONSTRUCTION STANDARDS. The construction standards for all buildings, structures, or parts thereof within the Fire Zone shall be of Type I, Type II, or, at a minimum, Type III fire resistant construction, as specified in the *International Building Code*.

147.05 RECONSTRUCTION PROHIBITED. Any building within the Fire Zone not constructed in accordance with the provisions of this chapter which is hereafter damaged by fire, decay, or otherwise shall not be rebuilt, altered, or reconstructed except in accordance with the provisions of this chapter.

147.06 SPECIAL PERMIT. The Council may, by four-fifths vote, issue a special permit to improve any property within the Fire Zone contrary to the provisions of this chapter, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard potential of the area, or to allow any person to erect or move in any building or structure for temporary purposes for a period of time not exceeding six months from the date of such permission.

147.07 REMOVAL OF BUILDINGS. Any person who erects any building in the Fire Zone, contrary to the provisions of this chapter, shall be given written notice by the Mayor to remove or tear down the same, and if such removal or taking down is not completed within 30 days from the time of the service of such notice, the Mayor shall cause the same to be removed or taken down. The Mayor shall report an itemized bill of the expense to the Clerk, and the same shall be charged to the person owning such building. The Clerk shall present the bill to the owner of the property and if the bill is not paid within 10 days from the date it is presented, the amount of the bill shall be certified, by the Clerk, to the County Treasurer, as a lien against the property and collected the same as other taxes.

147.08 STORAGE OF MATERIALS RESTRICTED. No person shall have or deposit any grain stack, pile of rubbish, explosives, hazardous chemicals or other flammable substance within the Fire Zone, nor shall any person have or deposit any cord wood or fire wood, within the Fire Zone without written permission from the Mayor, specifying the maximum amount of such cord wood or fire wood, that may be kept, stored, or deposited on any lot or part of a lot within the Fire Zone, unless the same be within one of the buildings allowed by this chapter. No person shall build or allow any fires, whether trash fires or otherwise, within the Fire Zone as described in this chapter.

[The next page is 885]

CHAPTER 148

DEMOLITION OF BUILDINGS

|  |  |
| --- | --- |
| 148.01 Definitions | 148.05 Demolition of Historic Structures |
| 148.02 Demolition Permit | 148.06 Owners Responsibility |
| 148.03 Permit Requirements | 148.07 Enforcement, Violation and Penalty |
| 148.04 Water and Sewer Removal |  |

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

1. “Building” means any structure designed or built for the support, enclosure, shelter or protections of persons, animals, chattels or property of any kind.

2. “Commission” means the McGregor Historic Preservation Commission, as established by Chapter 24 of this Code of Ordinances.

3. “Demolish” or “demolition” means the intentional razing, tearing down, leveling, destruction, wrecking, or demolishing of any building.

4. “Excavation” means any basement, opening, hole or other similar opening in the ground remaining after the demolition of any building.

5. “Historic structure” means a structure or building which:

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

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

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

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

148.02    DEMOLITION PERMIT. No person shall demolish any building within the City without first obtaining a written permit for the same from the City. The issuance of a permit by the City shall not render the City responsible or liable for any damages which may ensue by the permittee’s demolition of a building, and said permittee will indemnify and defend the City should action be brought for the same. Any judgement or action rendered in a case involving damages for demolition of a building shall be the sole responsibility of the permittee.

148.03    PERMIT REQUIREMENTS. Demolition permits may be obtained from the office of the Clerk. Permits shall be issued at a cost of $10.00, but no permit shall be issued until the applicant therefor has given written assurances with respect to the disconnection and removal of existing sewer and water service lines serving the property demolished. The party requesting the permit must also supply the City with a schedule of demolition, and the demolition must be completed within such time schedule, but no later than two weeks or 14 days after initial action to demolish the building has begun. An extension can be issued with this permit for special circumstances (such as dismantling) before excavation. Completion of the demolition of the building shall include the building and any basements, cisterns or other open areas.

148.04    WATER AND SEWER REMOVAL. No person shall demolish any building or backfill or grade any excavation remaining after the demolition of any building without providing for the appropriate disconnection of service lines (City) any water or sewer service lines serving said property, and the disconnection and removal of said service lines shall be performed under City supervision and to City specifications.

148.05    DEMOLITION OF HISTORIC STRUCTURES. If a property owner within the City proposes to modify a structure that may have a particular architectural or historic significance within the City by demolition, the property owner shall first apply for approval from the Commission. The Chairperson of the Commission shall be notified of the application and said Chairperson shall make a determination whether the building proposed for demolition has historic or architectural significance to the community. If the Chairperson determines there may be some historical or architectural significance attached to the building, the Chairperson shall call a special meeting of the Commission to tour the structure with the property owner. Upon determining if the structure is historically or architecturally significant, the Commission may:

1. Encourage the property owner to preserve and/or restore the structure;

2. Assist/encourage the property owner to get the property listed on the National Register of Historic Places;

3. Ask the property owner to allow the Commission time to photograph the structure prior to demolition.

4. The Commission shall maintain, on file at the public library, a notebook with a collection of photographs of historic structures that have been demolished within the City.

148.06    OWNERS RESPONSIBILITY. All costs and expenses incident to the work 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 work. It is the owner’s responsibility to verify that the contractor and workers are properly covered with property and liability insurance and that the demolition is completed in a reasonable time and that all debris is removed.

148.07    ENFORCEMENT, VIOLATION AND PENALTY.

1. Enforcement. The City Administrator may order any demolition to cease which is not in compliance with this chapter or with a demolition permit issued.

2. Penalties for Violation. Violation of provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense. The owners or tenants of any building, structure, premises or part thereof, or other person who commits, participates in, or maintains such violation, may each be found guilty of a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

[The next page is 901]

CHAPTER 150

BUILDING NUMBERING

|  |  |
| --- | --- |
| 150.01 Definitions | 150.03 Building Numbering Plan |
| 150.02 Owner Requirements |  |

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])

1. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half inches in height and of a contrasting color with their background.

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

1. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of 30 days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

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

150.03 BUILDING NUMBERING PLAN. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

[The next page is 907]

CHAPTER 151

TREES

|  |  |
| --- | --- |
| 151.01 Definition | 151.04 Trimming Trees To Be Supervised |
| 151.02 Planting Restrictions | 151.05 Disease Control |
| 151.03 Duty To Trim Trees | 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 person shall plant a tree in any street or parking.

151.03 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least 15 feet above the surface of the street and eight feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

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

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.05 DISEASE CONTROL. Any dead, diseased, or damaged tree or shrub that may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.
2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within 14 days of said notification. If such owner, occupant, or person in charge of said property fails to comply within 14 days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

[The next page is 913]

CHAPTER 152

LAWN MAINTENANCE

|  |  |
| --- | --- |
| 152.01 Purpose | 152.03 Abatement |
| 152.02 Mowing Required |  |

152.01    PURPOSE. The purpose of this chapter is to require property owners and occupants to maintain lawns at a neat and uniform height within the boundaries of their property and on abutting street right-of-way in order to prevent unsightly, offensive, or nuisance conditions.

152.02    MOWING REQUIRED. Every owner of any property within the City, whether occupied or unoccupied, shall cut, mow and maintain all grass, weeds, brush, vines, and other vegetation upon the property and adjacent to the curb line or outer boundary of any street or alley to a height not to exceed six inches; except for any (i) cultivated, agricultural, and garden commodities; and (ii) horticultural garden varieties, provided the same are regularly maintained and otherwise free from the type of offensive vegetation which would constitute a nuisance.

152.03    ABATEMENT. In addition to the remedies available to the City under the *Code of Iowa* or under any other provisions of this Code of Ordinances, including, but not limited to, Section 1.14 – Standard Penalty; Chapter 3 – Municipal Infractions; and Chapter 50 – Nuisance Abatement, under the *Code of Iowa* the City may, upon discovery of any violation of this chapter, perform the mowing required and assess the costs against the property for collection in the same manner as a property tax. This chapter shall constitute notice as contemplated by Section 364.12(3) of the *Code of Iowa*.

[The next page is 919]

CHAPTER 153

FENCES

|  |  |
| --- | --- |
| 153.01 Definitions | 153.03 Application for Fence Construction |
| 153.02 Fence Regulations |  |

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

1. “Fence” means a structure 42 inches or more in height, erected as a barrier for separating or enclosing all or a portion of a field, yard, or other area from adjoining real property, or for preventing intrusion or straying. The term, “fence”, includes wall.
2. “Front yard” means the portion of a property located between a straight line projecting from the front corners of a dwelling to the edges of the lot (and including the front edge of the dwelling) and the street.
3. “Height” means the plumb vertical distance from the grade line to the top of the running portion of the structure at a given point.
4. “Rear yard” means the portion of a property located between a straight line projecting from the rear corners of a dwelling to the edges of the lot (and including the rear edge of the dwelling) and the lot line.
5. “Side yard” means the portion of a property located between the front yard and the rear yard on either side of the dwelling.

153.02    FENCE REGULATIONS. Fences located with the City, placed on private property, used for any purpose shall conform to the following requirements:

1. No fence may be constructed, in any part, of corrugated sheet metal, barbed wire strands, or chicken wire, nor may it be electrified or have pointed projections.
2. No fence placed on any lot shall project over the property line. No fence, wall, or other obstruction shall be placed in the public right-of-way.
3. The finished side of any fence shall be directed toward the street right-of-way and adjoining properties.
4. No fence shall be placed within three feet of a fire hydrant. No fence shall block visibility or access to a fire hydrant from the street.
5. Fences located in the front yard or on a street side yard shall not exceed 42 inches in height. Exception: ornamental iron fences located in the front or street side yards may exceed 42 inches in height, but are limited to six feet in overall height. No fence shall exceed six feet in height. The height of the fence shall be measured from the grade on which the fence is placed.
6. No solid fence shall be placed within a front yard or street side yard which creates a safety hazard by obstructing the clear view of pedestrians or vehicles.
7. To the extent this chapter is in conflict with any other section of this Code of Ordinances pertaining to fences, this chapter shall be subordinate.

153.03    APPLICATION FOR FENCE CONSTRUCTION. No person shall construct, erect, or materially alter a fence in the City without first obtaining a construction compliance certificate for each fence (see Section 165.23 of this Code of Ordinances).

[The next page is 931]

CHAPTER 155

ABOVE-GROUND MOTOR FUEL TANKS

|  |  |
| --- | --- |
| 155.01 Tank Installation Requirements | 155.04 Fire Marshal’s Regulations |
| 155.02 Distance Factors | 155.05 Permit Required |
| 155.03 Marking of Tanks and Containers |  |

155.01    TANK INSTALLATION REQUIREMENTS. Tank installations shall be limited to governmental, commercial and industrial establishments. Said establishments shall not install more than one above-ground tank. Storage tanks shall not exceed 1,000 gallons. Tanks installed pursuant to this chapter shall be enclosed by a six-foot high chain link fence. Said fence shall be locked at all times except when access to the tank is necessary.

155.02    DISTANCE FACTORS. Tanks of 600 gallons or less shall be located not less than 30 feet from ordinary buildings. Tanks greater than 600 gallons shall be located 40 feet from any building. All dispensing shall be 20 feet from any source of ignition, and so located so that all parts of the vehicles being served are on only the property on which the tank is located. There shall be no fueling in the streets, alleys or on adjoining properties. Separation of LP tanks and above-ground tanks containing gasoline shall be at least 20 feet. Distance factors may be increased due to exposures or hazards in certain cases. All new or replacement tank installations must have Council approval.

155.03    MARKING OF TANKS AND CONTAINERS. Tanks and containers for the storage of flammable and combustible liquids above-ground shall be conspicuously marked with the name of the product which they contain, and they shall also be marked as follows: “*FLAMMABLE OR COMBUSTIBLE – KEEP FIRE AND FLAME AWAY*.”

155.04    FIRE MARSHAL’S REGULATIONS. In addition to the above standards, the storage of flammable and combustible liquids in above-ground tanks shall be subject to the following rules promulgated by the State Fire Marshal’s office:

1. The standard of *Flammable and Combustible Liquids Code* No. 30, 1987 edition, of the National Fire Protection Association, with the exception of Section 2-2.7.1, together with its reference to other specific standards and as provided in the following rules, shall be the rules governing flammable and combustible liquids in the City.
2. The standard of *Automotive and Marine Service Station Code* No. 30A, 1987 edition, of the National Fire Protection Association, together with its reference to other specific standards, shall be the rules governing automotive and marine service stations.
3. The dispensing of flammable or combustible liquids from above-ground tanks into the fuel tanks of motor driven vehicles shall not be permitted except in conformity with Section 8-3.5, National Fire Protection Association No. 30A, 1987 edition, or the standards for the storage of flammable and combustible liquids on farms and isolated construction projects, No. 395, 1984 edition.
4. For installations other than those provided for in the National Fire Protection Association No. 30A, Section 8-3.5 or No. 395, see National Fire Association No. 30, 1987 edition, Section 1-1.5.
5. 30A-2.1.3 - Above-ground tanks located at a bulk plant shall not be connected by piping to a service station. Apparatus dispensing Class I liquids into the fuel tanks of motor vehicles of the public shall not be located at a bulk plant unless separated by a fence or similar barrier from the area in which the bulk operations are conducted.
6. 30A-8-3.5 - The provisions of Section 2-1.1 shall not prohibit the dispensing of Class I and Class II liquids into the open from a fuel dispensing system supplied by an above-ground tank, not to exceed 1,000 gallons, located at commercial, industrial, governmental or manufacturing establishments, and intended for fueling vehicles used in connection with their business. Such dispensing may be permitted provided:
7. An inspection of the premises and operations has been made and approval granted by the Council.
8. The tank is safeguarded against collision, spillage and overfill, to the satisfaction of Council. (See N.F.P.A. 30, Sec. 2-2).
9. The tank system is listed or approved for such above-ground use.
10. The tank complies with requirements for emergency relief venting and the tank and dispensing system meet the electrical classification requirements of the Code.
11. The tank storage shall comply with NFPA 30, *Flammable and Combustible Liquids Code*, Chapter 2.

7. The following venting requirements must also be adhered to:

|  |  |
| --- | --- |
| **Tank Capacity** | **Vent Diameter** |
| Up to 175 gallons | 1½ inches |
| 176 to 660 gallons | 2 inches |
| 661 to 900 gallons | 2½ inches |
| 901 to 1,000 gallons | 3 inches |

8. Vents shall be arranged to discharge in such a way as to prevent localized overheating of, or flame impingement on, any part of the tank in the event vapors from such vents are ignited.

9. Tanks built according to Underwriters Laboratories, Inc. requirements may be used for operating pressures not exceeding 1 *psig* and shall be limited to 2.5 *psig*.

155.05    PERMIT REQUIRED. It is unlawful for any person to install, repair, alter, or relocate an above-ground storage tank within the City without first obtaining a permit from the Zoning Administrator. Application for a permit shall be made on forms provided by the Zoning Administrator and shall contain or have attached thereto the following information:

1. Name, address, and telephone number of the applicant. The location of the lot on which the above-ground tank is to be located and location of surrounding structures on said lot.
2. Position of the above-ground storage tank in relation to nearby buildings or structures.
3. One blueprint or drawing of the plans and specifications and method of locating the above-ground storage tank.
4. Name of the person installing the tank.
5. Written consent of the owner of the lot on which the tank is to be located.
6. Such other information as the Zoning Administrator shall require to show full compliance with this chapter and all other ordinances of the City.

[The next page is 939]

CHAPTER 156

CONSTRUCTION SITE EROSION  
AND SEDIMENT CONTROL

|  |  |
| --- | --- |
| 156.01 Purpose | 156.05 Stockpile |
| 156.02 Permit Required | 156.06 Appeal |
| 156.03 Sediment Control and Site Stabilization Plan | 156.07 Violation |
| 156.04 Fees |  |

156.01    PURPOSE. The purpose of this chapter is to regulate activities involving topsoil disturbance and excavation.

156.02    PERMIT REQUIRED. In order to secure compliance with all provisions of this chapter, an excavation certificate is required:

1. Applications for excavation permits shall be made prior to commencement of the activity on fully completed application forms obtained from the Administrative Officer, accompanied by:

A. Plans, specifications and supporting documents and materials sufficient to allow the Administrative Officer to determine the potential for sediment and other pollutant discharges.

B. A sediment control and site stabilization plan.

2. Before any activity involving topsoil disturbance or excavation of an area exceeding 400 square feet of surface area, or 100 square feet of surface area at sites with a 20 percent slope or greater; an excavation permit shall be required, unless the activity is non-commercial gardening.

3. The Administrative Officer shall issue an excavation permit stating that the proposed activity complies with all provisions of this chapter, and no subsequent modification shall be made to plans or to the activity which would be in violation of this chapter.

4. The Administrative Officer may suspend or revoke an excavation permit if issued in error on the basis of incorrect information supplied, or in violation of any City, State or Federal law.

5. The Administrative Officer may suspend or revoke an excavation permit if the activity is conducted contrary to the approved Sediment Control and Site Stabilization Plan.

6. Every excavation permit shall expire by limitation and become null and void if the activity authorized by the permit is not commenced within 90 days from the date of the issuance of the permit.

7. Unless otherwise designated by the City Council, the City Clerk is the Administrative Officer.

156.03    SEDIMENT CONTROL AND SITE STABILIZATION PLAN. The Sediment Control and Site Stabilization Plan shall be designed to stabilize steep or long continuous slopes during topsoil disturbance activities and to control the quantity and quality of storm water leaving the site before, during and after the activity for stabilization of waterways and outlets and to protect storm sewer infrastructure from sediment loading/plugging and to assure stabilization of disturbed areas, including utility construction areas, as soon as possible and to protect outlying roads from sediment and mud from site activities, including trucking, and to provide for disposal of collected sediment and floating debris.

156.04    FEES. The application for excavation permit described above shall be accompanied by the payment of a fee in the amount of $50.00.

156.05    STOCKPILE. Ten cubic yards or greater stockpiles of soil or other materials subject to erosion by wind or water shall be covered, vegetated or otherwise effectively protected from erosion and sedimentation in accordance with the amount of time the material will be on site and the manner of its proposed use. In no event shall stockpiling be permitted for periods exceeding 90 days.

156.06    APPEAL. Any person aggrieved by the grant, denial, suspension, or revocation of an excavation permit by the Administrative Officer may appeal the Administrative Officer’s decision to the City Council upon paying a fee of one hundred dollars $100.00. The appeal must be made in writing and delivered to the City Clerk. The hearing on the appeal shall be before the City Council at a time and place fixed by the City Council, which in no event shall be more than 60 days after the date the appeal is delivered to the City Clerk. The findings of the City Council shall be conclusive.

156.07    VIOLATION. Any person who fails to comply with this chapter is in violation of this Code of Ordinances and subject to the municipal infraction or standard penalty provisions of this Code of Ordinances.

[The next page is 965]

CHAPTER 160

FLOODPLAIN MANAGEMENT

|  |  |
| --- | --- |
| 160.01 Definitions | 160.07 Floodway Fringe (Overlay) District FF |
| 160.02 Statutory Authority, Findings of Fact and Purpose | 160.08 General Floodplain (Overlay) District FP |
| 160.03 General Provisions | 160.09 Appointment and Duties of Board of Adjustment |
| 160.04 Administration | 160.10 Nonconforming Uses |
| 160.05 Establishment of Zoning (Overlay) Districts | 160.11 Penalties for Violation |
| 160.06 Floodway (Overlay) District (FW) | 160.12 Amendments |

160.01 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. “Appurtenant structure” means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure
2. “Base flood” means the flood having one percent chance of being equaled or exceeded in any given year and is also commonly referred to as the “100-year flood.”
3. “Base flood elevation” (BFE) means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. “Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”
5. “Development” means any man-made change to improved or unimproved real estate, including (but not limited to) buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.  “Development” does not include minor projects or routine maintenance of existing buildings and facilities, as defined in this section.  It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
6. “Enclosed area below lowest floor” means the floor of the lowest enclosed area in a building when all the following criteria are met:
7. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Subsection 160.07(2)(D)(1) of this chapter.
8. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking, or storage.
9. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the base flood elevation.
10. The enclosed area is not a basement as defined in this section.
11. “Existing construction” means any structure for which the start of construction commenced before the effective date of the first floodplain management regulations adopted by the community.
12. “Existing factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
13. “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).
14. “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 include recreational vehicles which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
15. “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.
16. “Five Hundred (500)-year flood” means a flood, the magnitude of which has a two-tenths percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every 500 years.
17. “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.
18. “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.
19. “Flood insurance study” (FIS) means a report published by FEMA for a community issued along with the community’s Flood Insurance Rate Maps. The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
20. “Floodplain” means any land area susceptible to being inundated by water as a result of a flood.
21. “Floodplain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including (but not limited to) emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
22. “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
23. “Floodway” means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.
24. “Floodway fringe” means those portions of the Special Flood Hazard Area outside the floodway.
25. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
26. “Historic structure” means any structure that is:
27. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register.
28. 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.
29. 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.
30. 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.
31. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of enclosed area below lowest floor in Subsection 160.01(6) are met.
32. “Maximum damage potential development” means hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.
33. “Minor projects” means small development activities (except for filling, grading, and excavating) valued at less than $500.00.
34. “New construction” (new buildings, factory-built home parks, accessory structures) means those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
35. “New factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.
36. “Recreational vehicle” means a vehicle which is:
37. Built on a single chassis.
38. Four hundred (400) square feet or less when measured at the largest horizontal projection.
39. Designed to be self-propelled or permanently towable by a light duty truck.
40. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
41. “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:
42. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding.
43. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
44. Basement sealing.
45. Repairing or replacing damaged or broken window panes.
46. Repairing plumbing systems, electrical systems, heating or air conditioning systems, and repairing wells or septic systems.
47. “Special flood hazard area” (SFHA) means the land within a community subject to the base flood. This land is identified on the community’s Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.
48. “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 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.
49. “Structure” means anything constructed or erected on the ground or attached to the ground, including (but not limited to) buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities, and/or other similar uses.
50. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.
51. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:
52. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (i) before the start of construction of the improvement; or (ii) if the structure has been substantially damaged and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of a historic structure, provided the alteration will not preclude the structure’s designation as a historic structure.
53. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
54. “Variance” means a grant of relief by a community from the terms of the floodplain management regulations.
55. “Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.

160.02 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. The Legislature of the State of Iowa has in Chapter 414, *Code of Iowa*, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
2. Findings of Fact.
3. The flood hazard areas of the City are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety, and general welfare of the community.
4. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding; and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
5. This chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.
6. Statement of Purpose. It is the purpose of this chapter to protect and preserve the rights, privileges, and property of the City and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Paragraph 2(A) of this section with provisions designed to:
7. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
8. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.
9. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
10. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
11. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

160.03 GENERAL PROVISIONS.

1. Lands to Which Chapter Applies. The provisions of this chapter shall apply to all lands within the jurisdiction of the City shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain, and Shallow Flooding (Overlay) Districts, as established in this section.
2. Establishment of Official Floodplain Zoning Map. The Flood Insurance Rate Maps (FIRM) for Clayton County and Incorporated Areas, City of McGregor, Panels 19043C0087F, 19043C0090F, 19043C0091F, and 19043C0095F dated July 22, 2020, which were prepared as part of the Flood Insurance Study for Clayton County are hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Clayton County Flood Insurance Study is hereby adopted by reference and is made a part of this chapter for the purpose of administering floodplain management regulations. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this chapter.
3. Rules for Interpretation of District Boundaries. The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The 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 Zoning Administrator in the enforcement or administration of this chapter.
4. 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.
5. 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. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.
6. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
7. Warning and Disclaimer of Liability. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, or any officer or employee thereof, for any flood damages that result from reliance on this chapter or on any administrative decision lawfully made thereunder.
8. Severability. If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

160.04 ADMINISTRATION.

1. Appointment, Duties and Responsibilities of Local Official. The Zoning Administrator is hereby appointed to implement and administer the provisions of this chapter and will herein be referred to as the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include (but not necessarily be limited to) the following:
2. Review all floodplain development permit applications to assure that the provisions of this chapter will be satisfied.
3. Review floodplain development applications to assure that all necessary permits have been obtained from federal, State, and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
4. Record and maintain a record of: (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures; or (ii) the elevation to which new or substantially improved structures have been floodproofed.
5. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
6. Keep a record of all permits, appeals, and such other transactions and correspondence pertaining to the administration of this chapter.
7. Submit to the Federal Insurance Administrator an annual report concerning the community’s participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
8. Notify the Federal Insurance Administrator of any annexations or modifications to the community’s boundaries.
9. Review subdivision proposals to ensure such proposals are consistent with the purpose of this chapter and advise the Planning and Zoning Commission of potential conflict.
10. Maintain the accuracy of the community’s Flood Insurance Rate Maps when:

(1) Development placed within the Floodway (Overlay) District results in any of the following:

a. An increase in the base flood elevations; or

b. Alteration to the floodway boundary.

(2) Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or

(3) Development relocates or alters the channel.

Within six months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

1. Perform site inspections to ensure compliance with the standards of this chapter.
2. Forward all requests for variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.
3. Floodplain Development Permit.
4. Permit Required. A Floodplain Development Permit issued by the Floodplain Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, excavation, or drilling operations), including the placement of factory-built homes.
5. Application for Permit. Application shall be made on forms furnished by the Floodplain Administrator and shall include the following:

(1) Description of the work to be covered by the permit for which application is to be made.

(2) Description of the land on which the proposed work is to be done (e.g., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

(3) Location and dimensions of all structures and additions.

(4) Indication of the use or occupancy for which the proposed work is intended.

(5) Elevation of the base flood.

(6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of structure or of the level to which a structure is to be floodproofed.

(7) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.

(8) Such other information as the Floodplain Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

1. Action on Permit Application. The Floodplain Administrator shall, within a reasonable time, determine whether the proposed floodplain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Floodplain Administrator shall not issue permits for variances except as directed by the Board of Adjustment.
2. Construction and Use to Be as Provided in Application and Plans. Floodplain development permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, structure floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

160.05 ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS. The floodplain areas within the jurisdiction of this chapter are hereby divided into the following districts:

1. Floodway (Overlay) District (FW) – those areas identified as Floodway on the Official Floodplain Zoning Map.
2. Floodway Fringe (Overlay) District (FF) – those areas identified as Zone AE on the Official Floodplain Zoning Map but excluding those areas identified as Floodway.
3. General Floodplain (Overlay) District (GF) – those areas identified as Zone A on the Official Floodplain Zoning Map.

The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as permitted uses are prohibited unless a variance to the terms of this chapter is granted after due consideration by the Board of Adjustment.

160.06 FLOODWAY (OVERLAY) DISTRICT (FW).

1. Permitted Uses. All development within the Floodway District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway District.
2. Performance Standards. All Floodway District uses allowed as a permitted use shall meet the following standards.
3. No development shall be permitted in the Floodway District that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
4. All development within the Floodway District shall:

(1) Be consistent with the need to minimize flood damage.

(2) Use construction methods and practices that will minimize flood damage.

(3) Use construction materials and utility equipment that are resistant to flood damage.

1. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or any other drainage facility or system.
2. Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District, and shall be constructed or aligned to present the minimum possible resistance to flood flows.
3. Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.
4. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
5. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
6. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
7. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

160.07 FLOODWAY FRINGE (OVERLAY) DISTRICT FF.

1. Permitted Uses. All development within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.
2. Performance Standards. All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevation data has not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. Until a regulatory floodway is designated, no development may increase the base flood elevation more than one foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.
3. All development shall:

(1) Be designed and adequately anchored to prevent flotation, collapse, or lateral movement.

(2) Use construction methods and practices that will minimize flood damage.

(3) Use construction materials and utility equipment that are resistant to flood damage.

1. Residential Structures. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Floodplain Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.
2. Nonresidential Structures. All new or substantially improved nonresidential structures shall have the lowest floor (including basement) elevated a minimum of one foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Floodplain Administrator.
3. All New and Substantially Improved Structures.

(1) 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:

a. A minimum of two openings, with positioning on at least two walls, 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.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access, and low damage potential storage.

(2) 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.

(3) New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or, in the case of non-residential structures, optionally floodproofed to) a minimum of one foot above the base flood elevation.

(4) New and substantially improved structures shall be constructed with plumbing, gas lines, water meters, gas meters, and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

1. Factory-Built Homes.

(1) 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 base flood elevation.

(2) 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. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the *State Building Code*.

1. Utility and Sanitary Systems.

(1) On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

(2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the base flood elevation.

(3) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the base flood elevation.

(4) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

1. Storage of Equipment and Materials. Storage of equipment and materials that are flammable, explosive, or injurious to human, animal, or plant life is prohibited unless elevated a minimum of one foot above the base flood elevation. Other material and equipment must either be similarly elevated or: (i) not subject to major flood damage and anchored to prevent movement due to flood waters; or (ii) readily removable from the area within the time available after flood warning.
2. Flood Control Structures. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.
3. Watercourse Alterations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.
4. 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 base flood. Proposals for subdivisions greater than five acres or 50 lots (whichever is less) shall include base flood elevation data for those areas located within the Floodplain (Overlay) District.
5. Accessory Structures to Residential Uses.

(1) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

a. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 square feet in size. Those portions of the structure located less than one foot above the base flood elevation must be constructed of flood-resistant materials.

b. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

d. The structure shall be firmly anchored to resist flotation, collapse, and lateral movement.

e. The structure’s service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

f. The structure’s walls shall include openings that satisfy the provisions of Paragraph D(1) of this subsection.

(2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

1. Recreational Vehicles. Recreational vehicles are exempt from the requirements of Paragraph E of this subsection 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.

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 Paragraph E of this subsection regarding anchoring and elevation of factory-built homes.

1. 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.
2. Maximum Damage Potential Development. All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Floodplain Administrator. Where a 0.2% percent chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

160.08 GENERAL FLOODPLAIN (OVERLAY) DISTRICT FP.

1. Permitted Uses.
2. All development within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District.
3. Any development which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine: (i) whether the land involved is either wholly or partly within the floodway or floodway fringe; and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
4. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:

(1) The bridge or culvert is located on a stream that drains less than two square miles, and

(2) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2b, Iowa Administrative Code.

1. Performance Standards.
2. All development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (Section 160.06).
3. All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (Section 160.07).

160.09 APPOINTMENT AND DUTIES OF BOARD OF ADJUSTMENT. The Board of Adjustment, hereinafter referred to as the Board, shall hear and decide: (i) appeals; and (ii) requests for variances to the provisions of this chapter, and shall take any other action which is required of the Board.

1. Appeals. Where it is alleged that there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board all the documents constituting the record upon which the action appealed from was taken.
2. Variance. The Board 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.
3. 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.
4. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
5. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
6. In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Floodplain 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.
7. All variances granted shall have the concurrence or approval of the Department of Natural Resources.
8. Hearings and Decisions of the Board.
9. Hearings. Upon the filing with the Board of an appeal or a request for a variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
10. Decisions. The Board shall arrive at a decision on an appeal or variance within a reasonable time. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a variance, the Board shall consider such factors as contained in this section and all other relevant sections of this chapter and may prescribe such conditions as contained in Subparagraph (2) of this paragraph.

(1) Factors Upon Which the Decision of the Board Shall Be Based. In passing upon applications for variances, the Board shall consider all relevant factors specified in other sections of this chapter and:

a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

b. The danger that materials may be swept on to other land or downstream to the injury of others.

c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

e. The importance of the services provided by the proposed facility to the City.

f. The requirements of the facility for a floodplain location.

g. The availability of alternative locations not subject to flooding for the proposed use.

h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

j. The safety of access to the property in times of flood for ordinary and emergency vehicles.

k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical, and water systems), facilities, streets, and bridges.

m. Such other factors which are relevant to the purpose of this chapter.

(2) Conditions Attached to Variances. Upon consideration of the factors listed above, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

a. Modification of waste disposal and water supply facilities.

b. Limitation of periods of use and operation.

c. Imposition of operational controls, sureties, and deed restrictions.

d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.

e. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

1. Appeals to the Court. Any person or persons, jointly or severally, aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

160.10 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance codified in this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:
2. If such use is discontinued for six consecutive months, any future use of the building premises shall conform to this chapter.
3. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
4. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building, or safety codes or regulations, or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.
5. Except as provided in Subsection 1(B) of this section, any use which has been permitted as a variance shall be considered a conforming use.

160.11 PENALTIES FOR VIOLATION. Violations of the provisions of this chapter or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of variances) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent the City from taking such other lawful action as is necessary to prevent or remedy violation.

160.12 AMENDMENTS. The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

[The next page is 1001]

CHAPTER 161

MCGREGOR COMMERCIAL HISTORIC DISTRICT  
SIGN STANDARDS

|  |  |
| --- | --- |
| 161.01 Commercial Historic District Designation | 161.04 Signage Standards |
| 161.02 Purpose of Sign Standards | 161.05 Specific Sign Types |
| 161.03 Sign Permit and Approval Required |  |

161.01 COMMERCIAL HISTORIC DISTRICT DESIGNATION**.** The 100 through 300 blocks of Main Street and the 100 through 200 blocks of “A” Street are hereby designated the McGregor Commercial Historic District.

161.02 PURPOSE OF SIGN STANDARDS**.** Signs are a vital part of the streetscape and contribute to the overall image of downtown McGregor. Not only is signage intended to call attention to businesses, it creates an individual image of McGregor's commercial buildings. The major function of a sign is to introduce the storefront and its contents. Because signs are an extremely visible element of the storefront, they must be used carefully so as not to distract from the façade. Signs should combine with the entire storefront to make a meaningful statement.

161.03 SIGN PERMIT AND APPROVAL REQUIRED**.** Any owner of a property located within the McGregor Commercial Historic District who wishes to install any type of signage on the property must submit a sign permit application to the City Administrator prior to beginning construction. The signed permit application shall be in the form of the construction compliance certificate required by Section 165.23 of the City Code.

1. The fee for the permit shall be as set forth at Section 165.26 of the City Code.

2. All permits submitted for signage to be installed on buildings within the Commercial Historic District are subject to review and approval by the McGregor Historic Preservation Commission. The review will be conducted on a case-by-case basis to ensure that any application has met the guidelines presented in these McGregor Commercial Historic District Sign Standards and will not adversely affect a historic property or the historic downtown area as a whole.

3. All permits must include a depiction of the proposed sign that includes the dimensions and location for placement specifying the distance from any sidewalk, extension from building and method of installation. In addition the permit request must contain a description of the material to be used, lettering styles and the color scheme.

4. The Commission may make exception to these guidelines in the cases of non-contributing historic buildings if the exception would not adversely affect other adjacent historic properties.

5. Signage vendors to be used by the applicant shall be qualified to do historic preservation work. Upon request by the applicant, the Commission may offer, but not recommend, a list of qualified signage vendors from which the applicant may choose.

6. The Commission shall approve or disapprove the permit application within 20 days of its submission. An applicant aggrieved by the Commission's decision may, within 30 days of the Commission's determination, appeal to the City Council.

161.04    SIGNAGE STANDARDS**.** When creating signage for a commercial storefront, consideration should be made to the period in history of the building and the styles associated with that period. Signs that are 50 years or older may be considered historic in nature, and whenever possible should be preserved to demonstrate changes over the years.

1. Existing Historic Signs. Preservation of existing historic signage is recommended whenever possible.

2. Compliance with City Ordinance. Unless otherwise designated by the Signage Standards, all signs must comply with the regulations for permitted signs as stated in the Zoning Ordinance that corresponds to the property for which the application is submitted.

3. Signs Not Permitted. Signs advertising products or businesses not located in the building or on the lot on which the sign is displayed are prohibited.

4. Number of Signs Limited. Placement of more than two signs per storefront (25 feet) shall require approval of the Commission.

5. Installation of Signs. Sign installation should take place in a manner that will not damage historic masonry. Anchoring should be accomplished at mortar joints rather than in the masonry.

6. Location of Signage. Traditional locations should be selected for placement of signage and include upper facades, belt courses, hanging in windows, and projecting from the front of the building.

7. Signage Design Criteria. Although not all inclusive, the following items should be considered when designing the sign:

A. Lettering and numbering style for signage or identification should be of a contemporary period to the structure on which it is to be attached.

B. Sign colors should be limited to four per sign with at least three being the same hue, saturation, or brightness. Sign colors should be compatible with the colors of the building and its surroundings.

C. Signage painted on storefront windows or doors and window glazing is encouraged.

D. Signs that are fashioned after business logos or symbols are encouraged.

E. Preferred materials are wood, copper or bronze, however, solid plastics with a matte finish may be considered. Plastic or vacuum formed signs with a shiny surface are not recommended and may be subject to denial by the Commission. Neon signs are permitted in limited locations only as specified below.

F. Removal of Signs. Signage must be removed from buildings within 90 days from the date of vacancy and at the direction of the Commission if the tenant's business closes or moves.

161.05    SPECIFIC SIGN TYPES. The Commission encourages property owners to be creative with the signs that will be placed on the historic properties. There are many sign types available that can provide creativity while at the same time complement not only the individual building, but also the Commercial Historic District.

1. Historic or Historically-themed Painted Signs. Signs painted directly on to the wall surface of the building shall not be restricted as to size or lettering height. Painted signage shall not be permitted on principal facades. Painted signage is permitted only on side or rear walls to restore documented historic signage. Contemporary painted signage on the side or rear walls may be permitted by the Commission upon a determination of no negative impact on the historic qualities of the building or district.

2. Surface Applied Individual Lettering. Individually formed letters which are attached to the wall surface of the building shall be limited to a maximum height of 18 inches and signage material shall be of metal, painted wood, or solid plastic with an opaque matte finish.

3. Surface Applied Panelized Signs on Front Facade. Signage constructed of a single piece or connected series of sign material to be applied to the wall surface may not cover or detract from architectural detail of the building. Panelized signs should be centered within facade openings and placed above or below the best line or separation between ground floor and second floor.

4. Horizontal Projection Signs. Signs having a horizontal orientation which project at a 90 degree angle from the wall surface shall not exceed a maximum total size of 25 square feet, maximum height of four feet, and maximum thickness of 10 inches. The lettering shall not exceed a maximum height of 30 inches. Horizontal projecting signs may project a maximum of six feet from the wall and shall be held away from the wall a minimum of eight inches or to clear detail projections and shall be placed between the ground floor and the second floor, aligned vertically with other similar signage on the street and so as to clear the sidewalk by a minimum of 10 feet. Lettering shall have a horizontal orientation.

5. Vertical Projecting Signs. Signs having a vertical orientation which project at a 90 degree angle from the wall surface shall have a maximum height of eight feet, and a maximum thickness of 10 inches. Vertical projecting signs may project a maximum of five feet and shall be held away from the facade a minimum of eight inches or to clear detail projections and shall be placed between the ground floor and the second floor, aligned vertically with other signage on the street and so as to clear the sidewalk by a minimum of 10 feet. A sign to be placed over a window shall not be permitted. Lettering shall have a vertical orientation.

6. Monument Signs. Any freestanding sign having a base which is of a greater dimension than the sign itself is permitted only on perimeter or open lots and on lots with front and side yard setbacks. A monument sign shall not exceed the maximum height of six feet, and a maximum length of one-third of lot frontage or 12 feet, whichever is less, and must be parallel with or perpendicular to the street unless on a corner lot, in which case an orientation of 45 degrees is allowed.

7. Awning Signage. A sign incorporated within the material of a window awning shall be restricted by the size of the awning which may not exceed individual window openings and the awning skirt, or drop, may not exceed 12 inches. Backlit awning signs are prohibited. Lettering shall be restricted to side panels or front drop and shall be one consistent color. Logos or artwork shall be of no more than four colors, of which three must be the same hue, saturation, and brightness.

8. Innovative Artistic Signs. Signs of a type that cannot be classified by the previous listed signage may be permitted by the Commission upon a determination of no negative impact upon the historic qualities of the building or district and that the proposed signage adds to the aesthetic character of the building or district.

9. Signage Lighting. Lighting of signs is encouraged, however, internally lit signs are not recommended.

10. Lighted Signs Behind Store Windows. A neon or lighted sign placed on the inside of a store window shall not exceed 10 percent of the actual surface of the window opening and shall be a minimum of six inches distant from the perimeter of the window opening.

11. Glass Applied Signs. The total outlined area of a sign applied to the inside surface of a store window shall not exceed 25 percent of the window opening in size.

12. Freestanding Sandwich Boards. The use of sandwich boards is permitted with size not to exceed 15 square feet per side.

13. Painted Murals. Murals are allowed with previous approval of the Commission. Applicant must provide a sketch of the proposed mural.

14. Exterior Temporary Signage. The Commission may permit temporary signs. Temporary signs will not require payment of a permit fee, but must be approved by the Commission prior to placement within the Commercial Historic District. Holiday decorations are not considered signage.

A. Banners. Banners, not exceeding a maximum size of 24 square feet and hung or draped so as not to cover or damage architectural detail, not obstruct the view of other buildings or features of the street or district, may be permitted for a period of one month, and may be renewed for two additional one-month periods. Proper maintenance will be considered prior to renewal of a permit.

B. Building Construction Signs. Building construction signs of a maximum size of three feet by five feet may be permitted for a period of one year and renewed for additional one-year periods.

C. Leasing Signs. Leasing signs of a maximum size of three feet by five feet may be permitted for a period of one year and renewed for additional one-year periods.

D. Special Events. Signs for special events of a size and configuration as may be approved by the Commission on a case-by-case basis may be permitted for a period of one month and renewed for two additional one-month periods.

E. Maintenance. All temporary signage must be maintained in such a manner that will not be detrimental to public safety or to the historic preservation of the building or district. Failure to properly maintain signage will result in the immediate recession of the permit. The Commission may deny.

F. Temporary Business Signs. Temporary signs will be allowed during creation of a permanent business sign. The Commission may specify a time limit for use of the temporary sign.

15. Signage Types Not Allowed. The following signs will not be permitted:

A. Surface-applied advertising billboards.

B. Roof-top signage.

C. Freestanding pole or pylon signs.

D. Plastic-faced, backlit signs or letters.

E. Backlit awning signs.

F. Digital.

16. Current Signage Grandfathered. All signage currently evident on historic properties that does not conform to requirements shall be allowed to remain until such time as signage needs replacing or the business being conducted terminates or changes ownership.

[The next page is 1025]

CHAPTER 165

ZONING REGULATIONS

|  |  |
| --- | --- |
| 165.01 Definitions | 165.19 Appeals from Decision of Administrative Officer |
| 165.02 Establishment of Districts | 165.20 Interpretation of Provisions |
| 165.03 Adoption of Official Zoning Map | 165.21 Violation; Separate Offenses |
| 165.04 Identification of Official Zoning Map | 165.22 Other Remedies |
| 165.05 Changes In Official Zoning Map | 165.23 Construction Compliance Certificate |
| 165.06 Interpretation of District Boundaries | 165.24 Occupancy Compliance Certificate |
| 165.07 Schedules of District Regulations | 165.25 Application for Compliance Certificates |
| 165.08 Supplementary District Regulations | 165.26 Fees |
| 165.09 Application of District Regulations | 165.27 Board of Adjustment Created |
| 165.10 Nonconformities | 165.28 Proceedings of the Board of Adjustment |
| 165.11 Nonconforming Lots of Record | 165.29 Hearings, Appeals and Notice |
| 165.12 Nonconforming Uses of Land | 165.30 Stay of Proceedings |
| 165.13 Nonconforming Structures | 165.31 Powers and Duties of the Board of Adjustment |
| 165.14 Nonconforming Uses of Structures | 165.32 Decisions of the Board of Adjustment |
| 165.15 Repairs and Maintenance | 165.33 Appeals from the Board of Adjustment |
| 165.16 Uses Under Exception Provisions | 165.34 Changes and Amendments |
| 165.17 Additional Uses and Structures in C-1 and C-2 | 165.35 Application for Change of Zoning District Boundaries |
| 165.18 Administration and Enforcement |  |

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

1. “Accessory use or building” means a use or structure subordinate to the principal use of a building or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal building or use of land.
2. “Alterations, structural” means any change in the supporting members of a building such as bearing walls, columns, beams or girders.
3. “Apartment” means a room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are three or more such rooms or suites.
4. “Apartment house” means a building arranged, intended or designed to be occupied by three or more families living independently of each other.
5. “Basement” means a story having part but not more than one-half its height below grade. A basement is counted as a story for the purpose of height regulation.
6. “Boarding house” means a building other than a hotel where, for compensation and by arrangement, meals or lodging and meals are provided for three persons or more.
7. “Building” or “structure” means anything constructed, erected, or built, the use of which requires more or less permanent location on the ground and designed for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind, including but without limiting the generality of the foregoing, installations such as signs, billboards, radio towers, and other facilities not designed for storage of property or occupancy by persons.
8. “Building, height of” means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
9. “Cellar” means a story having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
10. “Commission” means the Planning and Zoning Commission of the City.
11. “Condominium” means a multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.
12. “Drive-in eating or drinking establishment” means any place or premises used for sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.
13. “Dwelling” means any building or portion thereof which is designed for and used exclusively for residential purposes.
14. “Dwelling, single-family” means a building designed for or occupied by one family.
15. “Dwelling, two-family” means a building designed for or occupied exclusively by two families.
16. “Dwelling, multiple” means a building designed for or occupied exclusively by more than two families.
17. “Dwelling unit” means one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.
18. “Family” means one or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth, adoption or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel.
19. “Farm” means an area which is used for the growing of the usual farm products, such as vegetables, fruits, and grains, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term “farming” includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce; provided, however, the operation of any such accessory uses shall be secondary to that of the normal farming activities, and such accessory uses do not include the feeding of garbage or offal to swine or other animals or commercial feeding of animals or poultry in confined lots or buildings.
20. “Floor area” means the square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area does not include porches, garages or space in a basement or cellar which is used for storage or incidental use.
21. “Frontage” means all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street has a dead end, then all of the property abutting on one side between an intersecting street and the dead end of the street.
22. “Garage, private” means a garage designed or used for the storage of not more than two over-the-highway motor vehicles.
23. “Garage, public” means a building, or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.
24. “Grade” means the average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.
25. “Home occupation” means an occupation or a profession which:
26. Is customarily carried on in a dwelling unit; and
27. Is carried on by a member of the family residing in the dwelling unit; and
28. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and
29. Does not employ more than one person outside the immediate family; and
30. Has no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building; other than one exterior sign mounted flush with the face of the building, which sign does not exceed three square feet in area; and
31. Does not occupy more than 30 percent of the area of one floor of the dwelling unit; and
32. Produces no offensive noise, vibration, smoke, dust, odors, heat or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood.
33. “Institution” means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.
34. “Junk yard” means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, stored, abandoned or handled, including the dismantling or “wrecking” of automobiles or other vehicles or machinery, house-wrecking yards, used lumberyards and places or yards for storage of salvage, house-wrecking and structural steel materials and equipment; but not including the areas where such uses are conducted entirely within a completely enclosed building.
35. “Kennel” means an establishment where dogs are boarded for compensation or where dogs are bred or raised for commercial purposes or sale.
36. “Loading space” means a space within the main building or on the same lot providing for the standing, loading or unloading of trucks, having minimum dimension of 12 by 35 feet and vertical clearance of at least 14 feet.
37. “Lot” means a parcel of land occupied or intended for occupancy by one main building together with its accessory buildings officially approved and having its principal frontage upon a dedicated street. The boundaries of the lot shall be determined by its lot lines.
38. “Lot, Consolidated.” Two, or more, adjacent and contiguous residential lots located in the Single-Family Residential District R-1 may be consolidated by the Board of Adjustment as a Special Exception. The term, “adjacent lots,” shall mean residential lots sharing a lot line. Upon consolidation, the owners shall record with the County Recorder, a Lot Consolidation Covenant in a form approved by the City, and thereafter the consolidated lots shall not be subdivided; except upon City Council resolution, but only in order to accommodate a new permitted principal use and structure.
39. “Lot, corner” means a lot abutting upon two or more streets at their intersections.
40. “Lot, depth of” means the mean horizontal distance between the front and rear lot lines.

33A. “Mini tourist cabins” means a residential structure, the sole purpose of which is to provide lodging where sleeping accommodations are furnished to transient guests for rent; with necessary incidental services including potable water and sanitary sewage disposal. Each mini tourist cabin shall have a minimum ground floor living area of 250 square feet, and shall be located no less than 20 feet (20) from any occupied structure.

(Subsection 33A – Ord. 01-01-2022 – Apr. 22 Supp.)

1. “Lot of record” means a lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder.
2. “Lot width” means the width of a lot measured at the building line and at right angles to its depth.
3. “Manufactured home regime” means a complex of separately owned residential dwelling units located on a single real estate parcel held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate pursuant to a Declaration as generally described in Chapter 499B of the *Code of Iowa*, where each unit is a manufactured home placed on a permanent foundation.
4. “Mobile home” means a vehicle used, or so originally constructed as to permit being used, as conveyance upon the public streets or highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof for human habitation, dwellings, or sleeping places for one or more persons, provided further that this definition refers to and includes all portable contrivances used or intended to be used generally for living and sleeping quarters and which are capable of being moved by their own power, towed, or transported by another vehicle. This definition also includes and applies to such vehicles or structures that are located on a permanent or temporary foundation but does not include mobile homes converted to real estate.
5. “Mobile home park” means any site, lot, field, or tract of land upon which two or more occupied mobile homes are harbored either free of charge or for revenue purposes and includes any building, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.
6. “Mobile home subdivision” means a subdivision created for the purpose of, and restricted to the sale or lease of individual lots for occupancy by independent mobile homes or mobile homes converted to real estate and having public streets, utilities and other public facilities installations approved by the Council in accordance with the subdivision regulations of the City.
7. “Nursing home” means a home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept and provided with food, or shelter and care, for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.
8. “Owner” means the person who holds the fee simple title in the property, and the person who has acquired any interest in the property by contract of purchase or otherwise.
9. “Parking space” means a surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than 128 square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles. The minimum size for a parking space is eight feet by 16 feet.
10. “Place” means an open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.
11. “Premises” means the land together with any buildings or structures located thereon.
12. “Short-term vacation rental” means the rental of any legally permitted dwelling unit, or any portion thereof for occupancy for dwelling, lodging, or sleeping purposes for a period of less than 31 consecutive calendar days, whether with or without meals. The term, short-term vacation rental includes, but is not limited to; bed and bath, bed and breakfast, and similar uses; but does not include hotels and motels. No dwelling owner shall rent a short-term vacation rental without first obtaining a permit from the City. All short-term vacation rentals shall be subject to the requirements of Chapter 423A (Hotel and Motel Act) of the *Code of Iowa* subject to any exemptions provided therein.
13. “Sign” means any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, the following are not included in the application of the regulations herein:
14. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of the premises, or other identification of premises not having commercial connotations.
15. Flags and insignia of any government except when displayed in connection with commercial promotion.
16. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
17. Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights.
18. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
19. “Special exception” means a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exception is made in this chapter.
20. “Story” means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.
21. “Trailer camp” or “tourist camp” means an area providing spaces for two (2) or more travel trailers, camping trailers, or tent sites, or mini tourist cabins, where sleeping accommodations are furnished to transient guests for rent; with necessary incidental services, sanitation, and recreation facilities to serve the traveling public.

(Subsection 49 – Ord. 01-01-2022 – Apr. 22 Supp.)

1. “Street” means a public or private thoroughfare which affords the principal means of access to abutting property.
2. “Street line” means the right-of-way of a street.
3. “Travel trailer” or “camping trailer” means a 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 as to permit the vehicles to be used as a place of human habitation by one or more persons. Said vehicle may be up to eight feet in width and any length provided its gross weight does not exceed 4,500 pounds, which shall be the manufacturer’s shipping or the actual weight, provided its overall length does not exceed 28 feet. Such vehicle shall be customarily or ordinarily used for vacation or recreation purposes; if used as a place of human habitation for more than 90 days in any 12 month period, it shall be classified as a mobile home, regardless of the size and weight limitation provided herein. This definition also includes house cars and camp cars having motive power and designed for temporary occupancy as defined herein.
4. “Trailer camp” or “tourist camp” means an area providing spaces for two or more travel trailers, camping trailers, or tent sites for temporary occupancy, with necessary incidental services, sanitation, and recreation facilities to serve the traveling public.
5. “Tourist cabin” means a single unit dwelling having a minimum width and minimum length each of 24 feet as measured at the narrowest points excluding porches, garages and accessory buildings.
6. “Variance” means a relaxation of the terms of zoning regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area and size of structure, or size of yards and open spaces, or for the office off-street parking requirements in regard to professional offices in R-2 zones on Main Street or on any other street of the same or larger actual physical width. Establishment or expansions on a use otherwise prohibited shall not be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
7. “Yard” means an open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from 30 inches above the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot lines and the main building shall be used.
8. “Yard, front” means a yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where the owner elects to front the building on the street parallel to the lot line having the greater dimension.
9. “Yard, rear” means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereto.
10. “Zero lot line development” means any series of two, but not more than four, laterally attached single-family dwellings in which each dwelling has separate access, utility services, and in which no dwelling is placed on top of another. Each dwelling shall occupy its own lot, which shall extend to and be congruent with the exterior foundation of the dwelling. The owner of the zero lot line dwelling shall hold fee simple title to the zero lot line dwelling lot. The Zoning Board of Adjustment shall not approve a special exception permit for zero lot line development unless the following requirements are satisfied:
11. Prior to the commencement of construction the developer shall apply for a special exception permit for zero lot line development and secure the necessary approval from the Zoning Board of Adjustment. In such cases the building permit application and the special exception application shall set forth sufficient details to show compliance with the requirements of this subsection.
12. The minimum lot area for each housing following division shall be 5,000 square feet.
13. Minimum lot frontage for each housing unit shall be 50 feet or 80 feet in the case of corner lots.
14. Maximum height of each housing unit shall be 35 feet or two and one-half stories.
15. The front yard setback requirement shall be the same as the zoning district in which the unit is located.
16. The side yard setback for the side where the dwelling units adjoin shall be zero feet.
17. Adjoining dwelling units shall have a common wall and roof.
18. Zero lot line development shall be constructed parallel to a public street so that the lot for each housing unit has frontage on the street and no housing unit is located to the rear of another housing unit.
19. Restrictive covenants or other deed restrictions setting forth maintenance responsibilities for adjoining dwelling unit owners with respect to the shared wall and roof, which shall be recorded with the Clayton County Recorder, and a copy of the document filed with the City Clerk before any zero lot line development dwelling unit is conveyed.
20. Such additional conditions as the Zoning Board of Adjustment may require consistent with the purposes of this subsection. The Board of Adjustment shall not have authority to remove or waive any of the foregoing requirements.

[The next page is 1037]

165.02    ESTABLISHMENT OF DISTRICTS. The City is hereby divided into districts designated as follows:

A-2 Limited Agricultural

R-1 Single Family Residential

R-2 Single Family Residential

R-3 Mixed Residential

R-4 Mixed Residential-Vacation Rental (Ord. 01-01-2022 – Apr. 22 Supp.)

C-1 Highway Commercial

C-2 General Office and Retail

M-1 Industrial Park

M-2 Industrial

W-1 Waterfront Commercial/Recreation

W-2 Waterfront Mixed Use

W-3 Waterfront Mixed Use Manufactured Home Regime

The locations and boundaries of these districts are shown on the Official Zoning Map.

165.03    ADOPTION OF OFFICIAL ZONING MAP. The Official Zoning Map, and the explanatory material thereon, is hereby adopted by reference and declared to be a part of this chapter.

165.04    IDENTIFICATION OF OFFICIAL ZONING MAP. The Official Zoning Map shall be identified by the signature of the Mayor and attested to by the Clerk under the following statement:

*This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of McGregor, Iowa, adopted the 13th day of September, 1973 A.D.”*

The Official Zoning Map shall be on file in the office of the Clerk and shall be the final authority as to the current zoning status of land, buildings and other structures in the City.

165.05    CHANGES IN OFFICIAL ZONING MAP. No changes in the Official Zoning Map shall be made except as may be required by amendments to this chapter under Section 165.34 herein. If required, such changes shall be promptly made and the ordinance number, nature of change, and date of change shall be noted on the map, approving such change in the Official Zoning Map. Any unauthorized change of any kind whatsoever in the Official Zoning Map by any person or persons shall constitute a violation of this chapter. *(See Editor’s Note at the end of this chapter.)*

165.06    INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following township lines or section lines shall be construed as following township lines or section lines.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines, and in the event of change in the centerline, shall be construed as moving with the actual centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.
8. Where a district boundary line divides a lot of record which was in single ownership at the time of the effective date of the Zoning Regulations, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district boundary.

165.07    SCHEDULES OF DISTRICT REGULATIONS. The following schedules of district regulations are hereby adopted and declared to be a part of this ordinance:

|  |  |
| --- | --- |
| A-2 Limited Agricultural | M-1 Industrial Park |
| R-1 Single Family Residential | M-2 Industrial |
| R-2 Single Family Residential | W-1 Waterfront Commercial/Recreation |
| R-3 Mixed Residential | W-2 Waterfront Mixed Use |
| C-1 Highway Commercial | W-3 Waterfront Mixed Use Manufactured |
| C-2 General Office and Retail | Home Regime |

[The next page is 1043]

|  |  |  |  |
| --- | --- | --- | --- |
| A-2 | LIMITED AGRICULTURAL | | A-2 |
| PERMITTED PRINCIPAL USES AND STRUCTURES | | MINIMUM REQUIRED OFF-STREET PARKING | |
| 1. Limited agriculture, crop farming, truck gardening, nurseries, and the usual accessory buildings, forests and forestry, but no livestock or poultry. | | None | |
| 1. Single-family dwellings | | 2 spaces per unit | |
| 1. Parks, playgrounds or play fields | | 5 spaces for each acre developed for active usage | |
| 1. Fairgrounds | | 25 spaces plus 1 space for every 4 seats in the main stadium or auditorium | |
| 1. Cemetery or mausoleum | | 10 spaces plus 1 per acre | |
| 1. Elementary or secondary school | | 1 space per classroom and office plus 1 space for every 6 seats in the main auditorium or stadium | |
| 1. Churches and temples | | 1 space for every 4 seats in the main auditorium | |
| 1. Golf courses and country clubs except miniature courses or driving ranges operated for a profit | | 3 spaces per green or 1 space for every 100 square feet of floor area , whichever is greater | |
| 1. Community meeting or recreation building | | 1 space for every 50 square feet of floor area | |
| PERMITTED ACCESSORY USES AND STRUCTURES | | | |
| 1. Farm buildings incidental to agricultural uses. 2. Private garages. 3. Private swimming pools and tennis courts. 4. Private greenhouses not operated for commercial purposes. 5. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations located on the same lot or a contiguous lot under the same ownership. 6. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon the completion of the construction work. 7. Short-term Vacation Rental is a permitted accessory use of a legally permitted dwelling unit. | | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| A-2 | LIMITED AGRICULTURAL | | | A-2 |
| **SPECIAL EXCEPTION USES AND STRUCTURES** | | | | |
| Subject to Section 165.31(2) and the other requirements contained herein, the Board of Adjustment may permit the following:   1. Sanitary landfill or waste disposal area, provided it is not used for disposal of dead animals, that refuse shall be covered with dirt daily if it contains raw garbage, that a nuisance due to smoke, odor or blowing of trash and debris shall not be created, and that the site shall be restored to a condition compatible with the adjacent area upon conclusion of the dump operation. An access road having at least a graveled surface and five parking spaces shall be provided. No landfill or waste disposal area shall be located closer than one-fourth mile to any dwelling, park, school or place of public assembly. 2. Railroads and public utilities but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than 25 feet, and that two parking spaces per substation or one per employee at the site be provided. 3. Towers and antennas, provided the applicant has complied with Chapter 116 of the City Code. | | | | |
| **MINIMUM LOT AREA AND WIDTH** | | **MINIMUM REQUIRED FRONT, SIDE**  **AND REAR YARDS** | **MAXIMUM HEIGHT** | |
| Area: 20,000 square feet  Width: 125 feet  The lot area shall be increased by such amount as determined necessary by the County Board of Health to provide an adequate absorption field for a septic tank installation.  Where a lot is served by a public or community water system, the minimum lot area may be reduced to 15,000 square feet and the width to 100 feet. | | All Structures:  Front: 25 feet  Rear: 25 feet  Side:  one story 8 feet  two or more stories 10 feet  Side street, corner lot 25 feet | 2½ stories  or  35 feet | |

|  |  |  |
| --- | --- | --- |
| A-2 | LIMITED AGRICULTURAL | A-2 |
| **PERMITTED SIGNS** | | |
| 1. Nameplates attached flat against the wall of the main building not to exceed one square foot in area.  2. Church or public bulletin boards not to exceed 12 square feet in area.  3. Temporary signs advertising the lease or sale of the premises not to exceed six square feet in area.  4. Billboards or advertising signs provided:  A. They are not within 300 feet of an intersection, highway structure, residence, or another billboard.  B. They are not within 100 feet of a park, school, cemetery, public or semi-public building.  C. They are not within 75 feet of the centerline of a City or County road, or 100 feet of a State or federal highway.  All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish. | | |
| **SPECIAL REQUIREMENTS** | | |
| 1. No construction compliance certificate shall be issued for a dwelling unit in the A-2 Agricultural District for any parcel of land that is designated for commercial or industrial uses on the Future Land Use Plan of the City. | | |

|  |  |  |  |
| --- | --- | --- | --- |
| R-1 | SINGLE-FAMILY RESIDENTIAL | | R-1 |
| PERMITTED PRINCIPAL USES AND STRUCTURES | | MINIMUM REQUIRED OFF-STREET PARKING | |
| 1. Single-family dwellings | | 2 spaces per unit | |
| 1. Parks, playgrounds or play fields | | 5 spaces for each acre developed for active usage | |
| PERMITTED ACCESSORY USES AND STRUCTURES | | | |
| 1. Private garage. 2. Private swimming pools and tennis courts. 3. Private greenhouses not operated for commercial purposes. 4. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work. 5. Solar collectors. 6. Satellite dishes. 7. Structures attached to the principal building shall be considered part of the principal building and shall conform to the same front, side, and rear setback regulations. 8. Short-term Vacation Rental is a permitted accessory use of a legally permitted dwelling unit. | | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| R-1 | SINGLE-FAMILY RESIDENTIAL | | | R-1 |
| **SPECIAL EXCEPTION USES AND STRUCTURES** | | | | |
| Subject to Section 165.31(2) and the other requirements contained herein, the Board of Adjustment may permit the following:   1. Hospitals, sanitariums, rest, nursing and convalescent homes; homes for orphan and aged on sites of one acre or more; off-street parking and yards comparable for other institutional uses of this chapter to be provided. 2. Group housing, public housing developments. 3. Swimming pools, golf courses, and country clubs, except miniature courses or driving ranges operated for a profit. 4. Public utilities, but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than 25 feet, and that two parking spaces per substation or one per employee at the site be provided. 5. Two-family dwellings. 6. Condominiums, townhouses/row houses. 7. Bed and breakfast operations. 8. Towers and antennas, provided the applicant has complied with Chapter 116 of this Code of Ordinances. 9. Other special exception uses as recommended by the Commission and approved by the Board of Adjustment. 10. Zero lot line development. 11. Lot, Consolidated. | | | | |
| **MINIMUM LOT AREA  AND WIDTH** | | **MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS** | **MAXIMUM HEIGHT** | |
| Dwellings:  Area: 9,600 square feet  Width: 80 feet  All new residential lots shall be served by a public sewer and water system when available.  Condominiums,  Townhouses/Row Houses:  Area: 12,000 square feet for 3 units plus 1,200 square feet for each additional unit  Width: 100 feet | | All Structures:  Front: 25 feet  Rear: 25 feet  Side:  one story 8 feet  two or more stories 10 feet  Side street, corner lot 25 feet | 2 1/2 stories  or  35 feet | |

|  |  |  |
| --- | --- | --- |
| R-1 | SINGLE-FAMILY RESIDENTIAL | R-1 |
| **PERMITTED SIGNS** | | |
| 1. Nameplates attached flat against the wall of the main building not to exceed three square feet.  2. Identification signs and home occupation signs not to exceed six square feet.  3. Church or public bulletin boards not to exceed 12 square feet in area.  4. Temporary signs advertising the lease or sale of the premises not to exceed six square feet in area.  5. Illumination of all signs shall be indirect, non-intermittent lighting.  6. Signs and bulletin boards shall be at least 20 feet from the front lot line or not more than five feet in front of the main building  7. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall promptly be removed.  8. Signs shall be located in such a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device and shall not obstruct or interfere with the driver’s view of approaching or intersecting traffic as determined by the Administrative Officer. | | |
| **SPECIAL REQUIREMENTS** | | |
| 1. All new structures constructed or placed in R-1 Districts shall have a minimum width of 24 feet and a minimum length of 24 feet as measured at the narrowest points, excluding porches, garages and accessory buildings. 2. Notwithstanding the foregoing, the minimum required front, side and rear yards in the Ridgewood Subdivision as depicted in a Plat recorded June 5, 1924, for all structures shall be:   Front: 20 feet  Back: 10 feet  Side: 5 feet | | |

|  |  |  |  |
| --- | --- | --- | --- |
| R-2 | SINGLE -FAMILY RESIDENTIAL | | R-2 |
| PERMITTED PRINCIPAL USES AND STRUCTURES | | MINIMUM REQUIRED OFF-STREET PARKING | |
| 1. Single-family dwellings | | 2 spaces per unit | |
| 1. Parks, playgrounds or play fields | | 5 spaces for each acre developed for active usage | |
| 1. Community meeting or recreation building | | 1 space for every 50 square feet of floor area | |
| 1. Elementary or secondary school or college | | 1 space per classroom and office plus 1 space for every 6 seats in the main auditorium or stadium | |
| 1. Churches and temples; funeral parlors | | 1 space for every 4 seats in the main auditorium | |
| 1. Professional office – not more than two professional persons in business | | 8 spaces | |
| 1. Private garage | | None | |
| PERMITTED ACCESSORY USES AND STRUCTURES | | | |
| 1. Private garages. 2. Private swimming pools and tennis courts. 3. Private greenhouses not operated for commercial purposes. 4. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations not employing any person outside the immediate family and located on the same lot or a contiguous lot under the same ownership. 5. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work. 6. Short-term Vacation Rental is a permitted accessory use of a legally permitted dwelling unit. | | | |

|  |  |  |
| --- | --- | --- |
| R-2 | SINGLE -FAMILY RESIDENTIAL | R-2 |
| **SPECIAL EXCEPTION USES AND STRUCTURES** | | |
| Subject to Section 165.31(2) and the other requirements contained herein, the Board of Adjustment may permit the following:   1. Hospitals; sanitariums; rest, nursing, and convalescent homes; homes for orphans and aged on sites of one acre or more; off-street parking and yards comparable for other institutional uses of this chapter to be provided. 2. Public housing developments. 3. Swimming pools, golf courses and country clubs, except miniature courses or driving ranges operated for a profit. 4. Railroads and public utilities but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than 25 feet, and that two parking spaces per substation or one per employee on the site be provided. 5. Two-family residences. 6. Rooming and boarding houses. 7. Business operated by the person or persons residing on the same property. 8. Tourist cabins with no more than six occupants and two off-street parking spaces per unit, provided: 9. The yard including the tourist cabin site has a minimum area of 5,000 square feet; and 10. The tourist cabin is no closer than 20 feet to any other structure; and 11. The Board has made an affirmative finding that the proposed use is in harmony with the neighborhood and will promote the general welfare, conserve the value of property and structures and encourage the most appropriate use of land. 12. Towers and antennas, provided the applicant has complied with Chapter 116 of this Code of Ordinances. 13. Zero lot line development. | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| R-2 | SINGLE -FAMILY RESIDENTIAL | | | R-2 |
| **MINIMUM LOT AREA  AND WIDTH** | | **MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS** | **MAXIMUM HEIGHT** | |
| Area: 5,000 square feet  Width: 50 feet  Where a lot is not served by a public or community water system and/or sanitary sewer system, the minimum lot area shall be increased by such amount as determined necessary by the County Board of Health to provide an adequate absorption field for septic tank use. The width of such lot shall be not less than 125 feet. | | All Structures:  Front: 20 feet  Rear: 20 feet  Side:  one story 8 feet  two or more stories 10 feet  Side street, corner lot 20 feet | 2 1/2 stories  or  35 feet | |
| **PERMITTED SIGNS** | | | | |
| 1. Nameplates attached flat against the wall of the main building not to exceed one square foot.  2. Church or public bulletin boards not to exceed 12 square feet in area.  3. Temporary signs advertising the lease or sale of the premises not to exceed six square feet in area.  4. Illumination of all signs, bulletin boards and name plates shall not exceed 60 watts and shall be lighted only with indirect, non-intermittent lighting.  5. Signs and bulletin boards shall be at least 20 feet from the front lot line or not more than five feet in front of the main building  6. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall promptly be removed and the surrounding area restored to a condition free from refuse and rubbish. | | | | |
| **SPECIAL REQUIREMENTS** | | | | |
| 1. All new structures constructed or placed in R-2 Districts shall have a minimum width of 24 feet and a minimum length of 24 feet as measured at the narrowest points, excluding porches, garages and accessory buildings. | | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| R-3 | MIXED RESIDENTIAL | | R-3 |
| PERMITTED PRINCIPAL USES AND STRUCTURES | | MINIMUM REQUIRED OFF-STREET PARKING | |
| 1. Single-family dwellings | | 2 spaces per unit | |
| 1. Two-family dwellings | | 2 spaces per unit | |
| 1. Multiple-family dwellings | | 2 spaces per unit | |
| 1. Community meeting or recreation building | | 1 space for every 50 square feet of floor area | |
| 1. Parks, playgrounds or play fields | | 5 spaces for each acre developed for active usage | |
| 1. Elementary or secondary school | | 1 space per classroom and office plus 1 space for every 6 seats in the main auditorium | |
| 1. Private kindergartens and day nurseries | | 1 space plus 1 space per employee | |
| 1. Churches and temples; funeral parlors | | 1 space for every 4 seats in the main auditorium | |
| 1. Public housing developments | | 1 space per unit | |
| 1. Rooming or boarding houses | | 1 space for every 2 beds | |
| 1. Private garage | | None | |
| PERMITTED ACCESSORY USES AND STRUCTURES | | | |
| 1. Private garages. 2. Private swimming pools and tennis courts. 3. Private greenhouses not operated for commercial purposes. 4. Uses and structures clearly incidental and necessary to the permitted uses or structures of this district, not involving the conduct of business on the premises, except home occupations located on the same lot or a contiguous lot under the same ownership. 5. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work. 6. Short-term Vacation Rental is a permitted accessory use of a legally permitted dwelling unit. | | | |

|  |  |  |
| --- | --- | --- |
| R-3 | MIXED RESIDENTIAL | R-3 |
| **SPECIAL EXCEPTION USES AND STRUCTURES** | | |
| Subject to Section 165.31(2) and the other requirements contained herein, the Board of Adjustment may permit the following:   1. Hospitals; sanitariums; rest, nursing and convalescent homes; homes for orphans and aged on sites of one acre or more; off-street parking and yards comparable for other institutional uses of this chapter to be provided. 2. Railroads and public utilities but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than 25 feet, and that two parking spaces per substation or one per employee on the site be provided. 3. Mobile home park provided that the installation complies with Chapter 135D of the *Code of Iowa* as amended; has a water supply and sanitary sewage collection and treatment system approved by the State Board of Health; has a minimum area of 3,500 square feet for each mobile home space; has a maximum density of 10 units per acre; provides at least 10 parking spaces plus one parking space on each mobile home site, and that no mobile home is closer than 25 feet to any property line of the mobile home park or closer than 20 feet to another mobile home. 4. Mobile home subdivision provided that the subdivision complies with Chapter 166 of this Code of Ordinances and Chapter 354 of the *Code of Iowa*; that each lot contains not less than 6,000 square feet of area and has a width of not less than 45 feet; that each lot is connected to an approved community water supply and sewage disposal system; that no lot sold or leased may be used for other than an independent mobile home or mobile home converted to real estate; and that two parking spaces per lot be provided. 5. Tourist campground, provided that water supply and sewage disposal system are approved by the County Board of Health, that drives have an all-weather surface; that no campsite is closer than 50 feet to any property line; and that five parking spaces plus one for each campsite are provided. 6. Business operated by the person or persons residing on the same property. 7. Tourist cabins with two off-street parking spaces per unit, provided: 8. The yard including the tourist cabin site has a minimum area of 5,000 square feet; and 9. The tourist cabin is no closer than 20 feet to any other structure; and 10. The Board has made an affirmative finding that the proposed use is in harmony with the neighborhood and will promote the general welfare, conserve the value of property and structures and encourage the most appropriate use of land. 11. Towers and antennas, provided the applicant has complied with Chapter 116 of the City Code. 12. Zero lot line development. | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| R-3 | MIXED RESIDENTIAL | | | R-3 |
| **MINIMUM LOT AREA  AND WIDTH** | | **MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS** | **MAXIMUM HEIGHT** | |
| Single-family Dwelling:  Area: 5,000 square feet  Width: 50 feet  Two-family Dwelling:  Area: 9,600 square feet  Width: 80 feet  Multi-family Dwelling:  Area: 7,200 square feet for the first unit plus 1,500 square feet for each additional unit up to 12, and 750 square feet for each additional unit over 12  Width: 80 feet | | All Structures:  Front: 20 feet  Rear: 20 feet  Side:  one story 7 feet  two or more stories 8 feet  Side street, corner lot 20 feet | 2½ stories  or  35 feet | |
| **PERMITTED SIGNS** | | | | |
| 1. Nameplates attached flat against the wall of the main building not to exceed three square feet. 2. Church or public bulletin boards not to exceed 12 square feet in area. 3. Temporary signs advertising the lease or sale of the premises not to exceed six square feet in area. 4. Illumination of all signs, bulletin boards and name plates shall not exceed 60 watts and shall be lighted only with indirect, non-intermittent lighting. 5. Signs and bulletin boards shall be at least 20 feet from the front lot line or not more than five feet in front of the main building 6. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall promptly be removed and the surrounding area restored to a condition free from refuse and rubbish. | | | | |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| R-4 | **MIXED RESIDENTIAL-VACATION RENTAL** | | | | R-4 |
| PERMITTED PRINCIPAL USES AND STRUCTURES | | | MINIMUM REQUIRED OFF-STREET PARKING | | |
| 1. Trailer camp or tourist camp | | | 1.5 spaces for each tourist camp space and 1.5 spaces for each travel trailer space | | |
| 2. Tourist cabins | | | 2 spaces for each unit | | |
| 1. Mini tourist cabins | | | 2 spaces for each unit | | |
| 1. All permitted principal uses, structures, accessory uses, and accessory structures permitted in the R-3 Mixed Residential District | | |  | | |
| PERMITTED ACCESSORY USES AND STRUCTURES | | | | | |
| 1. Uses and structures clearly incidental and necessary to the principal use or structure of the district. | | | | | |
| **SPECIAL EXCEPTION USES AND STRUCTURES** | | | | | |
| 1. None. | | | | | |
| **MINIMUM LOT AREA** | | **MINIMUM REQUIRED YARDS** | | **MAXIMUM HEIGHT** | |
| Single-Family Dwelling:  Area: 5,000 square feet  Width: 50 feet  Two-Family Dwelling:  Area: 9,600 square feet  Width: 80 feet  Multi-Family Dwelling:  Area: 7,200 square feet for the first unit plus 1,500 square feet for each additional unit up to 12, and 750 square feet for each additional unit over 12  Width: 80 feet  Tourist Cabin:  Mini Tourist Cabin: | | All Structures:  Front: 20 feet  Rear: 20 feet  Side: 25 feet  One story: 7 feet  Two or more stories: 8 feet  Side street, corner lot: 20 feet  See Section 165.01 Definitions  See Section 165.01 Definitions | | 2 ½ stories  Or  Thirty-five feet (35’) | |

|  |
| --- |
| **PERMITTED SIGNS** |
| 1. Nameplates attached flat against the wall of the main building not to exceed three (3) square feet.  2. Church or public bulletin boards not to exceed twelve (12) square feet in area.  3 Temporary signs advertising the lease or sale of the premises not to exceed six (6) square feet in area.  4. Illumination of all signs, bulletin boards and name plates shall not exceed 60 watts and shall be lighted only with indirect, non-intermittent lighting.  5. Signs and bulletin boards shall be at least twenty (20) feet from the front lot line or not more than five (5) feet in front of the main building.  6. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall promptly be removed and the surrounding area restored to a condition free from refuse and rubbish. |

(R-4 Mixed Residential Regulations – Ord. 01-01-2022 – Apr. 22 Supp.)

|  |  |  |  |
| --- | --- | --- | --- |
| C-1 | **HIGHWAY COMMERCIAL** | | C-1 |
| PERMITTED PRINCIPAL USES AND STRUCTURES | | MINIMUM REQUIRED OFF-STREET PARKING | |
| 1. Automotive display, sales, service & repair | | 1 space for every 300 square feet | |
| 1. Dry cleaners or laundry | | of sales, service or office floor area | |
| 1. Monument and marker display and sales | |  | |
| 1. Greenhouse and plant nursery | |  | |
| 1. Restaurant, night club, café or tavern | | 1 space for every 100 square feet of floor area | |
| 1. Dance hall and skating rink | |  | |
| 1. Drive-in eating and drinking establishment | | 5 spaces for every 100 square feet of floor area | |
| 1. Bowling alley | | 5 spaces per lane or alley | |
| 1. Drive-in bank | | 4 spaces per teller window | |
| 1. Motel, hotel or tourist camp | | 1 space per unit | |
| 1. Dwelling unit above a store or shop | | 1 space per unit | |
| 1. Bus terminal | | 6 spaces plus 1 off-street loading space for each bus serving the terminal | |
| 1. Funeral parlor | | 1 space for every 4 seats in main auditorium | |
| 1. Farm implement, display, sales, service & repair | |  | |
| 1. Railroads and public utilities but not including storage or maintenance yards and buildings | |  | |
| 1. Boats, motors, travel trailers and mobile home display, sales, service and repair | | 1 space for each employee plus 1 space for each | |
| 1. Lumber yards and ordinary and customary operations of a lumber yard | | vehicle used by the industry | |
| 1. USA, State or City governmental offices and/or governmental centers | |  | |
| 1. Public garages, storage garages and parking lots | | No off-street parking required | |
| 1. Any permitted principal use and structure allowed in District C-2 | |  | |
| PERMITTED ACCESSORY USES AND STRUCTURES | | | |
| 1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district. 2. Storage warehouses in conjunction with the permitted principal uses or structures of this district. 3. Temporary buildings and equipment used in conjunction with construction work, provided that such buildings and equipment are removed promptly upon completion of the construction work. 4. Short-term Vacation Rental is a permitted accessory use of a legally permitted dwelling unit. | | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| C-1 | **HIGHWAY COMMERCIAL** | | | C-1 |
| SPECIAL EXCEPTION USES AND STRUCTURES | | | | |
| 1. Towers and antennas, provided the applicant has complied with Chapter 116 of the City Code. | | | | |
| **MINIMUM LOT AREA  AND WIDTH** | | **MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS** | **MAXIMUM HEIGHT** | |
| Commercial Uses: None | | Front: 15 feet  Side street, corner lot 15 feet  No side or rear yard except where apartments are above a store or shop, a rear yard of 20 feet shall be provided and where adjacent to an “A” or “R” District, a side yard of 10 feet and a rear yard of 20 feet shall be provided. | 2½ stories  or  35 feet | |
| **PERMITTED SIGNS** | | | | |
| 1. Trade, business or industry identification signs, provided that they: 2. Do not exceed 25 feet in height; 3. Are not within 25 feet of an “A” or “R” District; 4. Do not overhang the public right-of-way except those signs which project not more than one foot beyond the front face or integral part of the building other than identification signs of less than two square feet; 5. Are not within 25 feet of a highway intersection or highway structure. 6. Advertising signs and billboards, provided that they: 7. Do not exceed 25 feet in height; 8. Are not within 25 feet of an “A” or “R” District 9. Are not within 75 feet of another billboard; 10. Do not exceed 100 square feet in area. 11. No sign or billboard shall be located in, overhang or project into a required yard. 12. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall promptly be removed and the surrounding area restored to a condition free from refuse and rubbish. | | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| C-2 | GENERAL OFFICE AND RETAIL | | C-2 |
| PERMITTED PRINCIPAL USES AND STRUCTURES | | MINIMUM REQUIRED OFF-STREET PARKING | |
| 1. Automotive sales, service and repair | |  | |
| 1. Farm implement sales, service and repair | |  | |
| 1. Dry cleaners or laundry | |  | |
| 1. Bus terminal | |  | |
| 1. Clubs and lodges | |  | |
| 1. Retail businesses | |  | |
| 1. Personal services and repair shops | | *No off-street parking is required in this District* | |
| 1. Business and professional offices and studios | |  | |
| 1. Medical, dental, chiropractic clinics | |  | |
| 1. Restaurant, nightclub, café or tavern | |  | |
| 1. Public buildings and utilities.   Storage or maintenance yards or buildings. | |  | |
| 1. Plumbing and heating sales, service and repair shops | |  | |
| 1. Hotels and motels | |  | |
| 1. Printing, publishing and engraving | |  | |
| 1. Dance or music schools | |  | |
| 1. Dwelling unit above a store or shop. Dwelling unit located in the rear of the structure and occupying no more than 50 percent of the total ground level square footage of the structure. | |  | |
| 1. Commercial amusements | |  | |
| 1. Wholesale display and salesroom | |  | |
| PERMITTED ACCESSORY USES AND STRUCTURES | | | |
| 1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district. 2. Storage warehouses in conjunction with the permitted principal uses or structures of this district. 3. Temporary buildings and equipment used in conjunction with construction work, provided that such buildings and equipment are removed promptly upon completion of the construction work. 4. Short-term Vacation Rental is a permitted accessory use of a legally permitted dwelling unit. | | | |
| **SPECIAL EXCEPTION USES AND STRUCTURES** | | | |
| 1. Towers and antennas, provided the applicant has complied with Chapter 116 of the City Code. | | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| C-2 | **GENERAL OFFICE AND RETAIL** | | | C-2 |
| **MINIMUM LOT AREA  AND WIDTH** | | **MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS** | **MAXIMUM HEIGHT** | |
| Commercial Uses: None | | Commercial Uses: None except where apartments are above a store or shop, a rear yard of 20 feet shall be provided and where adjacent to an “R” district, a front or side yard of 10 feet and a rear yard of 20 feet shall be provided. | 4 stories  or  50 feet | |
| **PERMITTED SIGNS** | | | | |
| 1. Advertising signs, billboards and trade, business or industry identification signs, provided that: 2. Free standing signs shall not exceed 25 feet in height and 60 square feet in area per face; 3. Signs attached to a building shall not project above the height of the building or more than 4 feet from the wall of the building and shall be not less than 10 feet above ground level. 4. No projecting or wall mounted sign shall exceed 75 square feet in area or more than one square foot per foot of building frontage, whichever is smaller. 5. No sign or billboard shall be located in, overhang or project into a required yard. 6. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall promptly be removed and the surrounding area restored to a condition free from refuse and rubbish. | | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| M-1 | **INDUSTRIAL PARK** | | M-1 |
| PERMITTED PRINCIPAL USES AND STRUCTURES | | MINIMUM REQUIRED OFF-STREET PARKING | |
| 1. Manufacturing and processing uses that are contained within a building and create no offensive noise, dust, odor, vibration and cause no electrical interference | | 1 space for every 2 employees plus 1 space for each vehicle used by the industry | |
| 1. Wholesaling and warehousing but not including the bulk storage of liquid fertilizer or petroleum products under pressure | |  | |
| 1. Farm implement display, sales, service and repair | |  | |
| 1. Lumber yard or building material sales and storage | | 1 space for each employee plus 1 space for each vehicle used by the industry | |
| 1. Truck and freight terminal | |
| 1. Automobile and truck display, sales, repair and storage | |
| 1. Tool, die gauge and machine shops | |  | |
| 1. Railroads and public utilities, including storage and maintenance yards | |  | |
| *All uses shall provide at least one loading space for each 10,000 square feet of floor area.* | | | |
| PERMITTED ACCESSORY USES AND STRUCTURES | | | |
| 1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district. 2. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work. 3. Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants. 4. Short-term Vacation Rental is a permitted accessory use of a legally permitted dwelling unit. | | | |
| **SPECIAL EXCEPTION USES AND STRUCTURES** | | | |
| Subject to Section 165.31(2) and the other requirements contained herein, the Board of Adjustment may permit the following:   1. Concrete products manufacture and central mixing and proportioning plant; fertilizer manufacture or blending; iron and steel fabrication; provided that such use is located no closer than 500 feet to any existing dwelling unit or any park, school, church or place of public assembly, that it is located so that prevailing winds will not cause dust, smoke or odors to create a nuisance for developed properties in the vicinity, that one parking space for each employee and one space for each vehicle used by the industry are provided and at least one loading space is provided for each 10,000 square feet of floor area. 2. Bulk storage of liquid fertilizer and petroleum products under pressure, provided that such uses are not located within 500 feet of any existing dwelling, park, school, church or place of public assembly, and that they are located so that prevailing winds will not cause fumes, odors or gases to be carried toward developed properties in the vicinity, and that one parking space for each employee and one space for each vehicle or trailer used by the industry are provided. 3. Towers and antennas, provided the applicant has complied with Chapter 116 of this Code of Ordinances. | | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| M-1 | **INDUSTRIAL PARK** | | | M-1 |
| **MINIMUM LOT AREA AND WIDTH** | | **MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS** | **MAXIMUM HEIGHT** | |
| Area: 2 acres  Width 200 feet | | Front 40 feet  Rear 40 feet  Side 25 feet  Side street, corner lot 30 feet | 60 feet | |
| **PERMITTED SIGNS** | | | | |
| 1. Temporary signs advertising the lease or sale of the premises not exceeding 12 square feet.  2. Trade, business or industry identification signs for the firm located on the site, provided:   1. Free standing signs shall not exceed 150 square feet in area or 25 feet in height. 2. Signs mounted flush on the wall of a building shall not exceed 10 percent of the area of the wall or 200 square feet, whichever is smaller. 3. Overhanging signs attached to a building shall not project above the height of the building or more than four feet from the wall of the building and shall not have more than 100 square feet of area. 4. Not more than one sign of each category above may be provided for any single use, although each sign may be a double-faced or back-to-back sign.   3. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall promptly be removed and the surrounding area restored to a condition free from refuse and rubbish. | | | | |
| **SPECIAL REQUIREMENTS** | | | | |
| 1. Exterior storage other than the display of finished products for retail sale shall be enclosed by a six-foot high fence or suitable landscape planting, the design or type of which shall be approved by the Commission, and which will screen the stored materials from the view of adjacent public streets, places of public assembly, parks, recreation areas and residential properties. No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building, nor shall any junk, debris or waste product be permitted to accumulate on the site. 2. All required yards shall be open landscaped and not utilized for parking, storage or other structures other than a trade, business or industry identification sign for the firm located on the site. | | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| M-2 | **INDUSTRIAL** | | M-2 |
| PERMITTED PRINCIPAL USES AND STRUCTURES | | MINIMUM REQUIRED OFF-STREET PARKING | |
| 1. Manufacturing and processing uses that are contained within a building and create no offensive noise, dust, odor, vibration and create no electrical interference | | 1 space for every 2 employees plus 1 space for each vehicle used by the industry | |
| 1. Animal hospital or kennel | | 1 space for every 200 square feet of sales, service or office floor area | |
| 1. Wholesaling and warehousing but not including the bulk storage of liquid fertilizer or petroleum products under pressure | |  | |
| 1. Farm implement display, sales, service and repair | |  | |
| 1. Lumber yard or building material sales and storage | |  | |
| 1. Truck and freight terminal | |  | |
| 1. Truck display, sales, repair and storage | |  | |
| 1. Grain storage bins | | 1 space for each employee plus 1 space | |
| 1. Grain elevator and feed mill | | for each vehicle used by the industry | |
| 1. Welding and repair shop | |  | |
| 1. Tool, die, gauge and machine shops | |  | |
| 1. Railroads and public utilities, including storage and maintenance yards | |  | |
| 1. Automobile paint and body shops | |  | |
| 1. Plumbing, heating, air conditioning, and sheet metal shops | |  | |
| 1. Processing and handling of cheese, butter, and other milk products | |  | |
| *All uses shall provide at least one loading space for every 10,000 square feet of floor area.* | | | |
| PERMITTED ACCESSORY USES AND STRUCTURES | | | |
| 1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district. 2. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work. 3. Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants. 4. Short-term Vacation Rental is a permitted accessory use of a legally permitted dwelling unit. | | | |

|  |  |  |
| --- | --- | --- |
| M-2 | **INDUSTRIAL** | M-2 |
| **SPECIAL EXCEPTION USES AND STRUCTURES** | | |
| Subject to Section 165.31(2) and other requirements contained herein, the Board of Adjustment may permit the following:   1. Stockyards, rendering works, loading pens, buying stations and/or sales barns and yards, commercial feedlots and commercial poultry raising, provided that it is not closer than one-fourth mile to any dwelling unit other than that of the owner or operator, or any park, school, church or place of public assembly, that the provisions for drainage, sanitation, waste disposal, and fly control are approved by the County Health Officer, that it is located so that prevailing winds will not cause dust or odors to create a nuisance for developed properties in the vicinity; and that one parking space for each employee and one space for each vehicle used by the industry are provided. 2. Sanitary landfill or waste disposal area, provided it is not used for disposal of dead animals, that refuse shall be covered with dirt daily if it contains raw garbage, that a nuisance due to smoke, odor or blowing of trash and debris is not created, and that the site shall be restored to a condition compatible with the adjacent area upon conclusion of the dump operation. An access road having at least a graveled surface and five parking spaces shall be provided. No landfill or waste disposal area shall be located closer than one-fourth mile to any dwelling, park, school or place of public assembly. 3. Auto wrecking and junkyards on sites of two acres or more provided that front yards are maintained as an open space free of weeds and debris, that the site is enclosed with a six-foot high fence or a suitable landscape planting that will screen the operation from the view of adjacent public streets and place of public assembly, parks, recreation areas and residential properties; and that a minimum of one parking space for each employee and one space for each vehicle used by the facility are provided. 4. Concrete products manufacture and central mixing and proportioning plant; fertilizer manufacture or blending; iron and steel fabrication; provided that such use is located no closer than 500 feet to any existing dwelling unit or any park, school, church or place of public assembly, that it is located so that prevailing winds will not cause dust, smoke or odors to create a nuisance for developed properties in the vicinity, that one parking space for each employee and one space for each vehicle used by the industry are provided and at least one loading space is provided for each 10,000 square feet of floor area. 5. Bulk storage of liquid fertilizer and petroleum products under pressure, provided that such uses are not located within 500 feet of any existing dwelling, park, school, church or place of public assembly, and that they are located so that prevailing winds will not cause fumes, odors or gases to be carried toward developed properties in the vicinity, and that one parking space for each employee and one space for each vehicle or trailer used by the industry are provided. 6. Towers and antennas, provided the applicant has complied with Chapter 116 of this Code of Ordinances. | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| M-2 | **INDUSTRIAL** | | | M-2 |
| **MINIMUM LOT AREA AND WIDTH** | | **MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS** | **MAXIMUM HEIGHT** | |
| NONE | | Front 25 feet  Rear 25 feet  Side 20 feet  Side street, corner lot 25 feet | 60 feet | |
| **PERMITTED SIGNS** | | | | |
| 1. Temporary signs advertising the lease or sale of the premises not exceeding 12 square feet.  2. Billboards and advertising signs, provided:   1. They are not within 150 feet of a highway intersection, highway structure, residence, school, cemetery, public or semi-public building. 2. They are not within 150 feet of another billboard or advertising sign.   3. Trade, business or industry identification signs for the firm located on the site, provided:   1. Free standing signs shall not exceed 150 square feet in area or 25 feet in height. 2. Signs mounted flush on the wall of a building shall not exceed 10 percent of the area of the wall or 200 square feet, whichever is smaller. 3. Overhanging signs attached to a building shall not project above the height of the building or more than four feet from the wall of the building and shall not have more than 100 square feet of area. 4. Not more than one sign of each category above may be provided for any single use, although each sign may be a double-faced or back-to-back sign.   4. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall promptly be removed and the surrounding area restored to a condition free from refuse and rubbish. | | | | |
| **SPECIAL REQUIREMENTS** | | | | |
| 1. No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building, nor shall any other debris or waste product be permitted to accumulate on the site. | | | | |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| W-1 | **WATERFRONT COMMERCIAL/RECREATION** | | | | W-1 |
| PERMITTED PRINCIPAL USES AND STRUCTURES | | | MINIMUM REQUIRED OFF-STREET PARKING | | |
| 1. Specialty commercial such as boutiques, antique shops, candy, food, or ice cream shops | | | None except for the following: | | |
| 1. General offices above first floor only | | |  | | |
| 1. Bar/tavern, including microbrewery, brewpub, and beer garden | | |  | | |
| 1. Restaurant, including outdoor eating area | | |  | | |
| 1. Hotel/motel | | | 1.5 space for each unit | | |
| 1. Art gallery; artist’s studio | | |  | | |
| 1. Gift/souvenir | | |  | | |
| 1. Excursion boats, trolley station, carriage stand and services for these uses | | |  | | |
| 1. Museum, auditorium and assembly hall | | |  | | |
| 1. Recreational equipment rental | | |  | | |
| 1. Indoor recreation facility | | |  | | |
| 1. Pleasure craft harbor, boat rental, marina and associated launch area | | |  | | |
| 1. Tourist and/or information center | | |  | | |
| 1. Publicly owned and operated park, playground, community buildings and facilities such as band shells, marinas, and shower house laundry | | |  | | |
| PERMITTED ACCESSORY USES AND STRUCTURES | | | | | |
| 1. Uses and structures clearly incidental and necessary to the principal use or structure of the district. 2. Temporary uses approved by the City Council, including, but not limited to: social or cultural festivals, concerts, craft shows or specialty collection displays, outdoor sales and marketing of produce, baked goods and other homemade items. 3. Short-term Vacation Rental is a permitted accessory use of a legally permitted dwelling unit. | | | | | |
| **SPECIAL EXCEPTION USES AND STRUCTURES** | | | | | |
| NONE | | | | | |
| **MINIMUM LOT AREA AND WIDTH** | | **MINIMUM REQUIRED FRONT AND SIDE YARDS** | | **MAXIMUM HEIGHT** | |
| NONE | | Front 15 feet  Riverside 15 feet  Others 15 feet | | 2½ stories  or  35 feet | |
| **PERMITTED SIGNS** | | | | | |
| See C-1 Highway Commercial | | | | | |
| **SPECIAL REQUIREMENTS** | | | | | |
| NONE | | | | | |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| W-2 | **WATERFRONT MIXED USE** | | | | W-2 | |
| PERMITTED PRINCIPAL USES AND STRUCTURES | | | MINIMUM REQUIRED OFF-STREET PARKING | | | |
| 1. Condominiums and zero lot line development | | | 1.5 space for each dwelling unit | | | |
| 1. All permitted principal uses and structures permitted in the W-1 Waterfront Commercial/Recreation District | | |  | | | |
| PERMITTED ACCESSORY USES AND STRUCTURES | | | | | | |
| 1. Uses and structures clearly incidental and necessary to the principal use or structure of the district. 2. Short-term Vacation Rental is a permitted accessory use of a legally permitted dwelling unit. | | | | | | |
| **SPECIAL EXCEPTION USES AND STRUCTURES** | | | | | | |
| 1. A business operated by the person or persons residing on the same property. | | | | | | |
| **MINIMUM LOT AREA AND WIDTH** | | **MINIMUM REQUIRED FRONT AND SIDE YARDS** | | **MAXIMUM HEIGHT** | | |
| Area: 5,000 sq. ft.  Width 50 feet | | NONE | | 50 feet | | |
| **PERMITTED SIGNS** | | | | | |
| 1. Surface mounted not to exceed 12 square feet. 2. Temporary signs advertising the lease or sale of the premises not to exceed 6 square feet in area. 3. All signs shall be maintained in a neat and presentable condition. 4. Other signs which may be approved by the Board of Adjustment as a special exception. | | | | | |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| W-3 | **WATERFRONT MIXED USE MANUFACTURED HOME REGIME** | | | | W-3 | |
| PERMITTED PRINCIPAL USES AND STRUCTURES | | | MINIMUM REQUIRED OFF-STREET PARKING | | | |
| 1. Manufactured Home Regime | | | 1.5 space for each dwelling unit | | | |
| 1. Those uses and structures permitted in the W-2 Waterfront Mixed Use District | | |  | | | |
| PERMITTED ACCESSORY USES AND STRUCTURES | | | | | | |
| 1. Uses and structures clearly incidental and necessary to the principal use or structure of the district. | | | | | | |
| **SPECIAL EXCEPTION USES AND STRUCTURES** | | | | | | |
| NONE | | | | | | |
| **MINIMUM LOT AREA AND WIDTH** | | **MINIMUM REQUIRED FRONT AND SIDE YARDS** | | **MAXIMUM HEIGHT** | | |
| Area: 25,000 sq. ft. | | Riverside: 10 feet  Public Access Easement: 10 feet  Distance Between Units: 20 feet | | 25 feet | | |
| **PERMITTED SIGNS** | | | | | |
| 1. Temporary signs advertising the lease or sale of the premises not to exceed 6 square feet in area. 2. Other signs which may be approved by the Board of Adjustment as a special exception. | | | | | |
| **SPECIAL REQUIREMENTS** | | | | | |
| 1. The record owners of the property shall consent to the Zoning Amendment application. 2. The record owners of the property shall dedicate an easement to the public over and across the existing 20-foot wide roadway for purposes of ingress and egress. | | | | | |

[The next page is 1071]

165.08    SUPPLEMENTARY DISTRICT REGULATIONS. Subject to Section 165.07, the following provisions, regulations, or exceptions shall apply equally to all districts except as hereinafter provided:

1. Visibility at Intersection. On a corner lot in any district, except the C-2 General Office and Retail District, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two feet and 10 feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by connecting the right-of-way lines at points which are 25 feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.
2. Accessory Buildings. No accessory building shall be erected in any required front or side yard and no separate accessory building shall be erected within five feet of any main building or within five feet of a rear lot line.
3. More than One Principal Structure on a Lot. In any district, more than one principal structure housing a permitted principal use may be erected on a single lot provided that the area, yard and other requirements of this chapter are met for each structure as though it were on an individual lot.
4. Height Regulation Exception. The height limitations contained in the schedules of district regulations do not apply to grain storage bins, grain elevators, feed mills, or to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above the roof level and not intended for human occupancy.
5. Use of Public Right-of-way. No portion of the public road, street or alley right-of-way shall be used or occupied by an abutting use of land or structure for storage or display purposes or to provide any parking or loading space required by this chapter, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.

165.09    APPLICATION OF DISTRICT REGULATIONS. Subject to Section 165.07, the regulations and restrictions of this chapter shall apply as follows:

1. Regulations to be Uniformly Applied. The regulations set by this chapter shall apply uniformly to each class or kind of structure or land, and particularly within each district, except as hereinafter provided.
2. All Uses and Structures to Conform. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
3. Height, Density or Yards Shall Not be Violated. No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, or to have narrower or smaller rear yards, front yards, side yards or other open spaces, than herein required or in any other manner contrary to the provisions of this chapter.
4. Separate Yards, Open Space and Off-street Parking Required. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
5. Minimum Yards and Lot Areas May Not be Reduced. No yard or lot existing at the time of passage of the Zoning Regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the Zoning Regulations shall meet at least the minimum requirements established by this chapter.
6. New Areas. All territory which may hereafter become a part of the incorporated area of the City through annexation shall be classified as the A-2 Limited Agricultural District until otherwise classified, provided, however, that the Commission may recommend the appropriate district classification prior to the time that such territory becomes a part of the City and upon the holding of a public hearing and approval by the Council, the territory, upon becoming a part of the City, may be immediately so classified.

165.10    NONCONFORMITIES. Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before the Zoning Regulations were passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment. Subject to Section 165.07, it is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

165.11    NONCONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located. A variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustment. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the land involved shall be considered to be an undivided parcel for the purposes of this chapter and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this chapter.

165.12    NONCONFORMING USES OF LAND. Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
3. If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

165.13    NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

165.14    NONCONFORMING USES OF STRUCTURES. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises in combination, may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.
4. Any structure or structure and land in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination is discontinued for a period of one year or is deliberately converted by the owner of said structure or structure and premises in combination to a conforming use, the structure or structure and premises in combination shall not be used except in conformance with the regulations of the district in which it is located. This subsection does not apply to circumstances beyond the owners’ control, such as the inability to find a tenant or tenants. The owner must show good faith in active pursuit of the intent of the property.
6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

165.15    REPAIRS AND MAINTENANCE. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10 percent of the current replacement value of the building provided that the cubic content of the building as it exists at the time of passage or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

165.16    USES UNDER EXCEPTION PROVISIONS. Any use for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

165.17    ADDITIONAL USES AND STRUCTURES IN C-1 AND C-2. Any use or structure that is permitted in either R-2 Single Family Residential or in R-3 Mixed Residential should also be permitted in the C-1 Highway Commercial and C-2 General Office and Retail.

[The next page is 1079]

165.18    ADMINISTRATION AND ENFORCEMENT. An administrative officer designated by the Council shall administer and enforce this chapter. Said officer may be provided with the assistance of such other persons as the Council may direct. If the administrative officer finds that any of the provisions of this chapter are being violated, through such officer’s personal observance, or through investigation of a violation reported by an individual, in person, at a Council meeting or Commission meeting or violation reported in writing as set forth below, the administrative officer shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The administrative officer shall order discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to insure compliance with or to prevent violation of its provisions. Any violation not reported orally at a Council or Commission meeting must be submitted in writing to the administrator and signed by the complainant. These letters will be filed as a matter of public record.

165.19    APPEALS FROM DECISION OF ADMINISTRATIVE OFFICER. Appeals from any decision of the administrative officer may be taken to the Board of Adjustment as provided in section 165.29.

165.20    INTERPRETATION OF PROVISIONS. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion and protection of the public health, safety, morals and general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the higher standards, shall govern.

165.21    VIOLATION; SEPARATE OFFENSES. Any person who violates or fails to comply with the provisions of this chapter is guilty of a misdemeanor and each day such violation continues shall constitute a separate offense. The owners or tenants of any building, structure, land or part thereof and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains a violation may each be charged with a separate offense.

165.22    OTHER REMEDIES. Nothing herein contained shall prevent the Council or its agents from taking other lawful action as is necessary to prevent or remedy any violation.

165.23    CONSTRUCTION COMPLIANCE CERTIFICATE. In order to secure compliance with all provisions of this chapter, a construction compliance certificate is required:

1. Construction Compliance Certificate. A construction compliance certificate shall be obtained from the administrative officer before any building or structure shall be erected, constructed, reconstructed, or structurally altered to increase the exterior dimensions, height, or floor area, or remodeled to increase number of dwelling units or accommodate a change in use of the building and/or premises or part thereof. The construction compliance certificate shall state that the proposed construction complies with all provisions of this chapter and no subsequent modifications shall be made to plans or to actual construction.

2. Suspension or Revocation. The administrative officer may suspend or revoke a certificate if issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of the City Codes, or as provided in this section.

3. Expiration. Every construction compliance certificate issued by the administrative officer under the provisions of this chapter shall expire by limitation and become null and void, if the building or work authorized by such certificate is not commenced within 180 days from the date of such certificate, or if the building or work authorized by such commenced for a period of 180 days. Upon expiration, the administrative officer shall revoke the certificate.

4. Before the work can be recommenced, a new construction compliance certificate may be obtained but only upon payment of a new certificate fee and approval by the City Council, provided no changes have been made, or will be made in the original plans and specifications for such work, and provided further, that the project has not been dormant for a period exceeding one year.

5. Notwithstanding the foregoing, any certificate holder may apply for an extension of time within which he may commence work under that certificate when he is unable to commence work within the time required by this section for good and satisfactory reasons. The application for extension shall be made to the City Council and the City Council may extend the time for action by the certificate holder for a period not exceeding 180 days, upon written certification by the certificate holder showing that circumstances beyond the control of the certificate holder had prevented action from being taken. No certificate shall be extended more than once.

165.24    OCCUPANCY COMPLIANCE CERTIFICATE. Subsequent to the effective date of this chapter, no change in the use or occupancy of land nor any change in use or occupancy in an existing building, other than for single-family dwelling purposes, shall be made, nor shall any new building be occupied for any purpose other than a single-family dwelling until an occupancy compliance certificate has been issued by the administrative officer. Every occupancy compliance certificate shall state that the new occupancy complies with all provisions of this chapter and no subsequent modifications shall be made to the occupancy, use, or method of operation that would be in violation of this chapter

165.25    APPLICATION FOR COMPLIANCE CERTIFICATES. Applications for compliance certificates shall be made prior to beginning construction or assuming occupancy on fully completed application forms obtained from the administrative officer, accompanied by such plans and information necessary to determine that the proposed construction or occupancy complies with all applicable provisions of this chapter.

165.26    FEES. The administrative officer is directed to issue a construction compliance certificate and/or occupancy compliance certificate as required by this chapter in accordance with the following fee structure:

1. Fences, Decks and Signs - $25.00
2. Retaining Walls - $25.00
3. Garages and Carports - $50.00
4. Single Family Residential - $100.00
5. House with Attached Garage - $125.00
6. Commercial, Industrial of Multi-family Residential - $250.00
7. Change In Use/Occupancy Compliance Certificate - $100.00
8. Proceedings before the Board of Adjustment - $100.00
9. Gazebos, Storage Sheds and Yard Barns (permanent or portable) - $25.00
10. Addition to Existing Building Structure - $50.00

[The next page is 1087]

165.27    BOARD OF ADJUSTMENT CREATED. A Board of Adjustment is hereby established. The Board shall consist of five members to be appointed by the Council for staggered terms of five years. Members of the Board of Adjustment may be removed from office by the Council for cause upon written charges and after public hearing. Vacancies shall be filled by the Council for the unexpired term of the member.

165.28    PROCEEDINGS OF THE BOARD OF ADJUSTMENT. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in the absence of the Chairperson, the acting Chairperson may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.

165.29    HEARINGS, APPEALS, AND NOTICE. Appeals to the Board of Adjustment concerning interpretation or administration of this chapter may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by the decision of the administrative officer. Such appeals shall be taken within a reasonable time, not to exceed 20 days, by filing with the administrative officer and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney. A fee of $100.00 shall be paid to the administrative officer at the time the notice of appeal is filed, which the administrative officer shall forthwith pay over to the credit of the General Revenue Fund of the City.

165.30    STAY OF PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with said officer, that by reason of facts stated in the certificate, a stay would, in such officer’s opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the administrative officer from whom the appeal is taken and on due cause shown.

165.31    POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT. The Board of Adjustment has the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative officer in the enforcement of this chapter.

2. Special Exceptions;. Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specially authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter and to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:

1. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.
2. Notice shall be given not less than seven or more than 20 days in advance of the public hearing by publication in a newspaper of general circulation in the City.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney.
4. The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter. The Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

3. Variances: Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

A. A written application for a variance is submitted demonstrating:

(1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(3) That the special conditions and circumstances do not result from the actions of the applicant;

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

B. Notice of public hearing shall be given as in Subsection 2(B) above.

C. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

D. The Board of Adjustment shall make findings that the requirements of paragraph A of this subsection have been met by the applicant for a variance.

E. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

F. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

165.32    DECISIONS OF THE BOARD OF ADJUSTMENT. In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in application of this chapter.

165.33    APPEALS FROM THE BOARD OF ADJUSTMENT. Any person aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by the laws of the State and particularly by Chapter 414 of the *Code of Iowa*.

165.34    CHANGES AND AMENDMENTS. The regulations imposed in the districts created by this chapter may be amended from time to time by the Council, but no such amendment shall be made without public hearing before the Council and after a report has been made upon the amendment by the Commission. At least seven-days’ notice of the time and place of such hearing shall be published in a newspaper having general circulation in the City. In case the Commission does not approve the change or, in the case of a protest filed with the Council against a change in district boundaries signed by the owners of 20 percent or more either of the area of the lots included in such proposed change or of those immediately adjacent thereto and within 200 feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the Council.

165.35    APPLICATION FOR CHANGE OF ZONING DISTRICT BOUNDARIES. Any person may submit to the Council an application requesting a change in the zoning district boundaries as shown on the Official Zoning Map.

1. Such application shall be filed with the administrative officer accompanied by a fee of $150.00 and shall contain the following information:
2. The legal description and local address of the property.
3. The present zoning classification and the zoning classification requested for the property.
4. The existing use and proposed use of the property.
5. The names and addresses of the owners of all property within 200 feet of the property for which the change is requested.
6. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
7. A plat showing the locations, dimensions and use of the applicant’s property and all property within 200 feet thereof, including streets, alleys, railroads, and other physical features.

All fees shall be deposited to the General Revenue Fund of the City. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

2. Upon receipt of the application by the administrative officer, a copy shall be promptly forwarded to the Commission requesting its comments and recommendations.

3. The Commission shall advise the City Council of its recommendations and the vote thereon within 45 days from the Commission’s receipt of the application, except that when no report is issued within that time, the application shall be deemed approved by the Commission. The Council shall then hold a public hearing as provided in Section 165.34 of this chapter.

[The next page is 1095]

|  |  |  |  |
| --- | --- | --- | --- |
| **EDITOR’S NOTE** | | | |
| The following ordinances have been adopted amending the Official Zoning Map described in Section 165.04 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect. | | | |
| **ORDINANCE NO.** | **DATE ADOPTED** | **ORDINANCE NO.** | **DATE ADOPTED** |
| 386 | May 11, 1978 |  |  |
| 1-6-00 | July 12, 2000 |  |  |
| 10-1-2005 | October 20, 2005 |  |  |
|  | May 17, 2006 |  |  |
| 08-01-2014 | August 20, 2014 |  |  |
| 01-01-2021 | January 20, 2021 |  |  |
| 07-02-2021 | July 21, 2021 |  |  |
| 01-01-2022 | March 16, 2022 |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

[The next page is 1151]

CHAPTER 166

SUBDIVISION REGULATIONS

|  |  |
| --- | --- |
| 166.01 General Purpose | 166.09 Final Plat Requirements |
| 166.02 Definitions | 166.10 Design Standards |
| 166.03 Jurisdiction | 166.11 Improvements Required |
| 166.04 Preliminary Platting Procedure | 166.12 Fees |
| 166.05 Final Platting Procedure | 166.13 Variances |
| 166.06 Plats Outside Corporate Limits | 166.14 Enforcement |
| 166.07 Professional Assistance | 166.15 Amendments |
| 166.08 Preliminary Plat Requirements |  |

166.01    GENERAL PURPOSE. This chapter provides rules and regulations for the subdivision of land in the City, prescribing minimum standards for the design and development thereof, establishing procedures for the approval of preliminary and final plats and requiring as a condition of approval certain improvements, all for the purpose of promoting the safety, health and general welfare of the public in accordance with the Comprehensive Plan of the City.

166.02    DEFINITIONS. For the purpose of this chapter, the following terms and words are defined, and as used in this chapter, the word “building” includes the word “structure.”

1. “Alley” means a permanent public service way or right-of-way designed to provide a secondary means of access to abutting property.
2. “Building line” means a line established on a plat as a restrictive covenant beyond which no building may be placed. The building lines need not correspond to the front, side or rear yard requirements established in the Zoning Regulations, and where they do not, the most restrictive requirement will control.
3. “Commission” means the Planning and Zoning Commission of the City.
4. “Cul-de-sac” means a short minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
5. “Easement” means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of said person’s property.
6. “Final plat” means the map drawing on which the subdivision plan is presented in the form which, if approved by the Council and Commission, will be filed and recorded with the County Recorder.
7. “Preliminary plat” means a study or drawing indicating the proposed manner or layout of the subdivision which is submitted to the Council and Commission for consideration.
8. “Separate tract” means a parcel of land or a group of contiguous parcels of land under one ownership.
9. “Street” or “road” means a right-of-way other than an alley dedicated or otherwise legally established to be accepted for public use, usually affording the principal means of access to abutting property. A street may be designated as a street, highway, thoroughfare, parkway, avenue, road, lane, drive, place, or other appropriate designation.
10. “Thoroughfare” means a street intended for cross-country or through traffic. This category includes freeway/expressway extensions, arterial extensions and arterial connector extensions as defined by the Iowa Functional Classification System.

B. “Collector street” means a street intended to carry vehicular traffic from residential streets to thoroughfares or traffic generators. This category includes trunk extensions, trunk collector extensions, municipal arterials and municipal collectors as defined by the Iowa Functional Classification System.

C. “Residential street or road” means a street used primarily for access to abutting property. This category includes municipal service streets as defined by the City Functional Classification System.

1. “Right-of-way” means the area measured between property lines dedicated to and accepted for public use and providing access to abutting properties.
2. “Subdivider” means any person who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein, either individually or for others.
3. “Subdivision” means the division of a separate tract of land into three or more lots or parcels for the purpose of transfer of ownership or building development, or if a new road is involved, any division of a parcel of land.

166.03    JURISDICTION. All plats, replats or subdivision of land into three or more parts for the purpose of laying out a portion of the City or an addition thereto, or within two miles of the corporate limits of the City, shall be submitted to the Commission and the Council, in accordance with the provisions of this chapter, and shall be subject to the requirements established herein. This section has been adopted pursuant to the authority of Section 354.9 of the *Code of Iowa*.

166.04    PRELIMINARY PLATTING PROCEDURE.

1. The owner or developer of any tract of land to be subdivided shall cause a preliminary plat to be prepared containing the information specified herein, and shall file three copies and a reproducible sepia or tracing of the plat with the Clerk.

2. The Clerk shall immediately transmit two copies of the preliminary plat to the Commission for study and recommendation.

3. The Commission shall examine the plat as to its compliance with this chapter and the Comprehensive Plan of the City and shall have 30 days within which to submit a recommendation to the Council. The owner or developer, however, may agree to an extension of time not to exceed 60 days. A copy of the recommendation shall be forwarded to the owner or developer.

4. The Council shall, upon receipt of the Commission’s recommendation, or after 30 days or an approved extension thereof shall have passed, by resolution, grant approval of or reject the preliminary plat. If the preliminary plat is rejected, the Council shall advise the owner or developer of any changes which are desired or should have consideration before approval will be given. Approval of the preliminary plat by the Council shall constitute approval to proceed with the preparation of the final plat but shall not be deemed approval of the subdivision.

166.05    FINAL PLATTING PROCEDURE.

1. A final plat shall be submitted within 12 months of the approval of the preliminary plat, or such approval shall expire and the preliminary plat shall be resubmitted for approval prior to preparation of a final plat.

2. Procedures for final plats shall be the same as set out for preliminary plats in Section 166.04 above.

3. Upon approval of the final plat, a certification of approval signed by the Mayor and attested by the Clerk shall be affixed to the original tracing of the final plat and copies of the same filed with the Clerk, County Auditor and County Recorder, along with such other certifications and instruments as may be required by law.

166.06    PLATS OUTSIDE CORPORATE LIMITS. The procedure for approval of preliminary and final plats of land within two miles of the corporate limits shall be the same as set out in Section 166.04 and 166.05 above, except that four copies of the plat shall be filed with the Clerk and the Clerk shall in addition refer one copy to the County Engineer. The Commission shall have 45 days in which to take action on the plat.

166.07   PROFESSIONAL ASSISTANCE. The Council or Commission may request such professional assistance as it deems necessary to properly evaluate the plats as submitted.

166.08    PRELIMINARY PLAT REQUIREMENTS. The preliminary plat shall contain the following information:

1. A location map showing:

A. The subdivision name;

B. An outline of the area to be subdivided;

C. The existing streets and public or community utilities, if any, on adjoining property; and

D. North point and scale.

2. A preliminary plat of the subdivision drawn to the scale of 50 feet to one inch, provided that if the resulting drawing would be over 36 inches in the shortest dimension, a scale of 100 feet to one inch may be used. Said preliminary plat shall show:

1. Legal description, acreage, and name of proposed subdivision;
2. Name and address of owner;
3. Name of person who prepared the plat, and the date thereof;
4. Location of existing lot lines, streets, public utilities, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads and buildings in the proposed subdivision;
5. Location and widths, other dimensions and names of the proposed streets, alleys, roads, sidewalks, utility and other easements, parks and other open spaces or reserved areas;
6. Tract boundary lines showing dimensions, bearings, angles and references to known lines or benchmarks.
7. Names of adjacent property owners;
8. Layout of proposed blocks (if used) and lots including the dimensions of each, and the lot and block number, in numerical order.
9. A statement concerning the location and approximate size or capacity of utilities proposed to be installed.
10. Contours at vertical intervals of not more than two feet if the general slope of the site is less than 10 percent and at vertical intervals of not more than five feet if the general slope is 10 percent or greater.
11. Grades of proposed streets.
12. Proposed building lines.
13. A cross-section of the proposed streets showing the roadway location, the type of drainage and other improvements to be installed.
14. The location of proposed wells and/or water mains and sewage disposal system if a public or community system is used.
15. The drainage of the land including proposed storm sewers, ditches, culverts, bridges and other structures;
16. North point and graphic scale.
17. Layout of lots showing approximate dimensions and number.

166.09    FINAL PLAT REQUIREMENTS. The final plat shall meet the following specifications:

1. It may include all or only part of the preliminary plat.

2. The plat shall be drawn to the scale of 50 feet to one inch, provided that if the resulting drawing would be over 36 inches in the shortest dimension, a scale of 100 feet to one inch may be used.

3. The final plat shall contain the following:

1. 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 3,000 feet;
2. Accurate references to known or permanent monuments giving the bearing and distance from some corner of a congressional division of which the subdivision is a part;
3. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract;
4. Accurate metes and bounds description of the boundary;
5. Street names;
6. Complete curve notes for all curves included in the plat;
7. Street right-of-way lines with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines;
8. Lot numbers and dimensions;
9. Block numbers, if used;
10. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use;
11. Building lines and dimensions.
12. Location, type, material and size of all monuments and markers;
13. Name of the subdivision;
14. Name and address of owner and subdivider;
15. North point, scale and date;
16. Certification by a registered land surveyor of the State of Iowa;
17. Certification of dedication of streets and other public property; and
18. Resolution and certificate for approval by the Council and signatures of the Mayor and Clerk.

4. The final plat shall be accompanied by the following instruments:

A. 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;

B. One of the following:

(1) A certificate bearing the approval of the Council stating that all improvements and installations in the subdivision required by this chapter have been made or installed in accordance with the City specifications, or

(2) A surety bond with the City which will insure the City that the improvements will be completed by the subdivider or property owner within two years after the official acceptance of the plat. The form and type of bond shall be approved by the City Attorney, and the amount of the bond shall not be less than the amount of the estimated cost of the improvements plus 10 percent. The amount of the estimate must be approved by the Council. If the improvements are not completed within the specified time, the Council may use the bond or any necessary portion thereof to complete the same, or

(3) A petition by the developer to the Council to provide the necessary improvements and to assess the costs thereof against the subdivided property in accordance with the requirements regarding special assessments, provided, however, that the subdivider or property owners shall furnish the necessary proceedings against the platted property even though the total amount exceeds the statutory limitations.

If options (2) and (3) above are chosen, the final plat shall state that the developer, the grantees, assignees and successors in interest agree that public services including but not limited to street maintenance, snow and ice removal, rubbish, refuse and garbage collection will not extend to this subdivision until the pavement is completed and accepted by the City.

C. Copy of all restrictive covenants to be attached to the lots of the subdivision.

5. The final plat shall also be accompanied by the following at the time it is presented for filing:

A. A complete abstract of title and an opinion from an attorney at law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by a bond as provided in Section 354.11 of the *Code of Iowa*.

B. 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*.

166.10    DESIGN STANDARDS.

1. Streets – General Considerations.
2. The street and alley layout shall provide access to all lots and parcels of land within the subdivision.
3. Street jogs of less than 150 feet shall be avoided.
4. Culs-de-sac shall not exceed 500 feet in length.
5. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
6. New subdivisions shall make provisions for continuation and extension of thoroughfares and collector streets and roads.
7. No dead-end streets or alleys will be permitted except at subdivision boundaries.
8. Thoroughfare and collector streets in a subdivision shall extend through to the boundaries thereof.
9. Alleys shall not be permitted in residential areas but shall be provided in commercial and industrial areas.
10. Intersection of road centerlines shall be between 80 and 100 degrees
11. Intersection of more than two streets at a point shall not be permitted.
12. Where parkways or special types of streets are proposed, the Commission may apply special standards for the design of such parkways or streets.
13. Proposed streets that are extensions of or in alignment with existing streets shall bear the name of the existing street.
14. Minimum right-of-way shall be provided as follows:
15. Thoroughfares – 100 feet.
16. Collector streets – 70 feet.
17. Residential streets – 60 feet.
18. Cul-de-sacs – 110 feet in diameter.
19. Alleys – 20 feet
20. Minimum width of surfacing to be provided shall be as follows:
21. Thoroughfare streets – 53 feet.
22. Collector streets – 41 feet.
23. Residential streets – 31 feet
24. Cul-de-sacs – 85 feet in diameter
25. Alleys – 20 feet.
26. Sidewalks – four feet.

5. Grades. No street grade shall be less than one-half of one percent and shall not exceed the following limits:

1. Thoroughfare streets – six percent.
2. Collector streets – eight percent.
3. Residential streets – 10 percent.

6. Blocks.

1. The length of blocks shall be not less than 500 feet and not more than 1,250 feet in length.
2. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth and in no case shall the width be less than 220 feet, except where a single tier of double frontage lots parallels a limited access highway, a thoroughfare, drainage course, railroad or other barrier, the width shall be not less than 150 feet.
3. Crosswalks may be required in blocks over 700 feet long or in areas where curved streets require excessive out-of-distance travel. If required, they shall be constructed by the developer.

7. Lots.

1. All lots shall abut on a street or place. Corner lots which abut on a thoroughfare or collector street shall have a minimum radius of 15 feet at the intersection.
2. Side lines of lots shall approximate right angles to straight street lines and radial angles to curved street lines except where a variation will provide better lot layout.
3. Lots with double frontage shall be avoided, except in specific locations where good planning indicates their use. In that event a planting screen shall be provided along the rear of the lot.
4. Corner lots shall be not less than 80 feet in width, and interior lots shall be not less than 70 feet in width at the building lines.

166.11    IMPROVEMENTS REQUIRED.

1. Sanitary Sewers. The subdivider shall provide the subdivision with sanitary sewage facilities in accordance with one of the following:

1. Public Collection System. Where reasonably available the subdivider shall provide the subdivision with a complete sanitary sewer system which shall connect with the sanitary sewer system of the City. In such case the sewer shall be approved by the Council and shall be designed and constructed in accordance with the municipal specifications.
2. Local or Community Treatment System. Where it is not practical to connect the subdivision sanitary sewer system to a municipal sewer, the subdivider shall install a local or community treatment system in accordance with the requirements of the State Board of Health and the County Board of Health.
3. Private Disposal System. If it is demonstrated that the above are not practical, the Council may, upon request, permit the subdivider to install on each lot a septic tank and absorption field or other system approved by the County Board of Health, provided such lots meet the area requirements established for such systems under the Zoning Regulations. In no case, however, shall private disposal systems be permitted where rock, impervious clay, or ground water is closer than 30 inches to the surface of the ground.

2. Water. The subdivider shall provide the subdivision with an approved water supply and approved water supply and distribution system in accordance with one of the following:

1. Public Water System. Where reasonably available, the subdivider shall provide the subdivision with a complete water main supply system, including hydrants, valves and other appurtenances, which shall extend into and through the subdivision to the boundary lines, and which shall provide for a water connection to each lot, and shall be connected to a public or municipal water system.
2. Local or Community Treatment System. Where a public water system is not available, the subdivider shall install a local or community water supply and distribution system, including all necessary mains, valves, hydrants and other appurtenances, in accordance with the standards and requirements of the State Board of Health and the County Board of Health.

3. Storm Drains. The subdivider shall 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, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.

4 Sidewalks. The subdivider shall provide a four foot wide concrete sidewalk along each lot frontage upon completion of the structure thereon.

5. Street Signs. The subdivider shall provide the subdivision with acceptable street signs at the intersection of all streets.

6. Markers. An iron rod not less than one-half inch in diameter and 24 inches in length shall be placed as follows:

A. At the intersection of all lines forming angles in the boundary of the subdivision;

B. At block and lot corners and changes in direction of block and lot boundaries.

7. Grading. All streets and alleys within the platted area which are being dedicated for public use shall be constructed of Portland cement concrete in accordance with designs and specifications and at grades approved by the Council.

8. Surfacing. All streets being dedicated for public use shall be surfaced to the width required by Section 166.10(4). Surfacing shall be Portland cement concrete or asphaltic concrete and shall be constructed in accordance with designs and specifications and at grades approved by the Council.

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 the plans and specifications have been approved. The Council shall cause the installation of all improvements to be inspected to insure compliance with the requirements of this chapter. The cost of said inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City.

166.12    FEES. Each preliminary plat submitted for approval shall be accompanied by a fee of $50.00, which shall be credited to the General Fund of the City.

166.13    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.

166.14    ENFORCEMENT. In addition to other remedies and penalties prescribed by law, the provisions of this chapter shall be enforced as follows:

1. No plat or subdivision in the City or within two miles thereof 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. No more than two building permits shall be issued for each separate tract existing at the effective date of the ordinance codified herein unless the tract shall have been platted in accordance with the provisions contained herein.

3. 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 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.

4. Any person who shall hereafter dispose of or offer for sale or lease any lots in the City for addition thereto, unless the plat thereof has been approved in accordance with this chapter and recorded, shall forfeit and pay $50.00 for each lot or part of lot sold or disposed of, leased or offered for sale.

166.15    AMENDMENTS. This chapter may be amended from time to time by the Council. Such amendments as may be proposed shall first be submitted to the Commission for study and recommendation. The Commission shall report within 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 publication as required by law.

ABANDONED BUILDINGS 145

ABANDONED OR UNATTENDED REFRIGERATORS 41.08

ABANDONED UTILITY CONNECTIONS

On-Site Wastewater Treatment and Disposal Systems 98.07

Sanitary Sewer Service 95.10

ABANDONED VEHICLES 80

*See also* Impounding Vehicles 70.06

*See also* State Code Traffic Regulations 62.01

ABANDONMENT OF CATS AND DOGS 55.04

**ABATEMENT OF NUISANCES** 50

**ABOVE-GROUND MOTOR FUEL TANKS** 155

**ACCESSORY BUILDINGS** 165

**ACCOUNTING RECORDS** 7.07

**AIR POLLUTION** 50.02(8)

*See also* **ENVIRONMENTAL VIOLATION** 3.02

**AIRPORT AIR SPACE** 50.02(11)

**ALCOHOL**

Consumption and Intoxication 45

Liquor Licenses and Wine and Beer Permits 120

Open Containers in Motor Vehicles 62.01(50) and (51)

Social Host Liability 45.04

**ALL-TERRAIN VEHICLES, SNOWMOBILES, AND DIRT BIKES** 75

**AMUSEMENT DEVICES** 120.06

**ANGLE PARKING** 69.03 and 69.04

**ANIMAL PROTECTION AND CONTROL**

Abandonment of Cats and Dogs 55.04

Animal Neglect 55.02

Annoyance or Disturbance 55.09

At Large Prohibited 55.06

Cleaning Up After Animals 55.08

Confinement of Animals Suspected of Having Rabies 55.14

Damage or Interference by Animals 55.07

Dangerous and Vicious Animals 55.10

Duty to Report Attacks 55.13

Impounding 55.15 - 55.17

Livestock 55.03, 55.05, 55.21

Number of Animals Restricted 55.11

Pet Awards Prohibited 55.18

Rabies Vaccination 55.12

**ANIMAL PROTECTION AND CONTROL (continued)**

Tampering with a Rabies Vaccination Tag 55.19

Tampering with an Electronic Handling Device 55.20

Vicious Dogs 55.10

**ANTENNA AND RADIO WIRES** 41.09

**ANTENNAS AND TOWERS** 116

**APPOINTMENTS**

By Council 17.05

By Mayor 15.03

**ASSAULT** 40.01

**ATTORNEY FOR CITY** 20

**ATVS, SNOWMOBILES, AND DIRT BIKES** 75

**AUTOMOBILE REPAIR ON PUBLIC PROPERTY** 69.05(2)

**AWNINGS** 136.12

**BARBED WIRE AND ELECTRIC FENCES** 41.10

**BEER, LIQUOR, AND WINE CONTROL**

*See* ALCOHOL

**BICYCLES** 76

*See also* Clinging to Vehicles 62.04

*See also* State Code Traffic Regulations 62.01

BILLBOARDS 50.02(6) and 62.06

BOARDS AND COMMISSIONS

Board of Adjustment 165.27

Dock Commission 26

Historic Preservation Commission 24

Library Board 21

Park Board 23

Planning and Zoning Commission 22

Tree Board 28

Utility Board 25

BONDS

City Officials 5.02

House Movers 123.04

Public Bonds, Records of 18.08(3)

Streets 135.09(4)

Transient Merchants 122.06

BUDGET

Amendments 7.06

Preparation 7.05

**BUILDING MOVERS** 123

BUILDING NUMBERING 150

BUILDING SEWERS AND CONNECTIONS 96

BUILDINGS, DANGEROUS 145

BULKY RUBBISH 106.05

BURNING

Burning on Streets and Alleys 135.08

Fires or Fuel on Sidewalks 136.15

Open Burning Restricted 105.05

Yard Waste 105.06

BUSINESS DISTRICT 60.02(1)

*See also:*

Bicycles on Sidewalks 76.08(1)

Sidewalks 136.08(5)(B)

CAR WASHING ON STREETS 135.07

CHARTER 2

**CIGARETTES AND TOBACCO**

Permits 121

Possession by Minors 46.02

CITY ADMINISTRATOR 18

CITY ATTORNEY 20

CITY CHARTER 2

**CITY CLERK** 18

**CITY COUNCIL**

Appointments by 17.05

Compensation 17.06

Meetings 17.04 and 5.06

Number and Term 2.04 and 17.01

Powers and Duties 17.02 and 17.03

**CITY ELECTIONS** 6

CITY OFFICERS AND EMPLOYEES

Appointments by Council 17.05

Appointments by Mayor 15.03

Bonds 5.02

City Administrator 18

City Attorney 20

City Clerk 18

City Council 17

City Treasurer 19

**CITY OFFICERS AND EMPLOYEES (continued)**

Conflict of Interest 5.07

Discretionary Powers 1.13

Extension of Authority 1.07

Gifts to 5.11

Harassment of 41.05

Indemnity of 1.04

Mayor 15

Oath of Office 5.01

Powers and Duties 5.03

Removal of an Officer’s Communication or Control Device 41.07

Removal of Appointed Officers and Employees 5.09

Representation by City Attorney 20.09

Resignations 5.08

Sewer Superintendent 95.03

Vacancies 5.10

CITY OPERATING PROCEDURES 5

CITY POWERS 1.03

CITY SEAL 18.13

CIVIL CITATIONS 3.04

CLINGING TO VEHICLE 62.04

CODE OF IOWA TRAFFIC REGULATIONS 62.01

CODE OF ORDINANCES

Altering 1.10

Amendments to 1.08

Catchlines and Notes 1.09

Definitions of Terms 1.02

Rules of Construction 1.06

Validity 1.11

COMPENSATION

Changes in 17.02(7)

City Administrator 18.01

City Attorney 20.01

City Clerk 18.01

Council Members 17.06

Mayor 15.04

Mayor Pro Tem 16.04

Set by Council 17.02(7)

Treasurer 19.02

CONFLICT OF INTEREST 5.07

CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL 156

CONTRACT LAW ENFORCEMENT 30

CONTRIBUTING TO DELINQUENCY 46.03

COUNCIL 17

COUNCIL MEETINGS 17.04

**CRIMINAL MISCHIEF** 42.02

**CROSSWALKS**

Designation and Maintenance 61.02

Parking Prohibited in 69.06(1)

Pedestrians in Crosswalks 65.08

**CURFEW** 46.01

**DANGEROUS BUILDINGS** 145

DANGEROUS SUBSTANCES, DISTRIBUTING OF 41.01

DANGEROUS TOYS (THROWING AND SHOOTING) 41.12

DANGEROUS AND VICIOUS ANIMALS 55.10

DEER FEEDING PROHIBITED 41.16

DEFACING PROCLAMATIONS AND NOTICES 42.03

DEMOLITION OF BUILDINGS 148

DEPOSITS AND INVESTMENTS 7.03(2)

DESTRUCTION OF PROPERTY 42.02

DISCRETIONARY POWER OF CITY OFFICERS AND EMPLOYEES 1.13

DISORDERLY CONDUCT 40.03

DOCK COMMISSION 26

DOGS 55

*See also* ANIMALS

DRIVEWAY CULVERTS 135.13

DRIVEWAY REGULATIONS 140

DRUG PARAPHERNALIA 43

DUTCH ELM DISEASE 50.02(10)

EASEMENTS, USE OF 95.08

ELECTIONS

Duties of Clerk 18.12

Procedures 6

**ENGINE BRAKES** 40.06

**ENVIRONMENTAL VIOLATIONS** 3.02

EXCAVATIONS

Sewer 96.04

Streets 135.09

EXTENSION OF AUTHORITY 1.07

FAILURE TO ASSIST 41.17

FAILURE TO DISPERSE 40.04

FALSE IDENTIFICATION INFORMATION 41.03

FALSE REPORTS

Of Catastrophe 40.03(5)

To Public Safety Entities 41.02

FEEDING OF DEER PROHIBITED 41.16

FENCES 153

Barbed Wire and Electric Fences 41.10

Blocking Public and Private Ways 50.02(5)

FIGHTING 40.03(1)

FINANCE OFFICER 7.02

FINANCES 7

FINANCIAL REPORTS 7.08

FIRE PROTECTION 35

FIRE HAZARD CONDITIONS

Fire Zone Requirements 147

Health and Fire Hazard 105.04

Storing of Flammable Junk 50.02(7)

Unsafe Buildings 145

Weeds and Brush 50.02(9)

**FIRE ZONE** 147

FIRES

On Sidewalks 136.15

Open Burning Restricted 105.05

FIREWORKS 41.14

FISCAL MANAGEMENT 7

FLAG, DISRESPECT OF 40.03(6)

FLOODPLAIN REGULATIONS 160

FORM OF GOVERNMENT 2.02

FRAUD 42.05

FUNDS 7.04

FUNERAL SERVICE, DISRUPTION OF 40.03(7)

*See also* State Code Traffic Regulations 62.01

**GANG ACTIVITY** 50.02(12)

GARAGES AND ACCESSORY BUILDINGS 165

GARBAGE COLLECTION AND DISPOSAL 105 and 106

GIFTS TO CITY OFFICIALS 5.11

GRADES OF STREETS, ALLEYS, AND SIDEWALKS 138

HANDICAPPED PARKING

*See* Persons with Disabilities Parking 69.07

HARASSMENT

Of Other Persons 40.02

Of Public Officers and Employees 41.05

HAZARDOUS WASTE 105.08

*See also* Prohibited and Restricted Discharges to Sewer System 97.03 and 97.04

HISTORIC DISTRICT SIGN STANDARDS 161

HISTORIC PRESERVATION COMMISSION 24

HITCHHIKING 67.02

HOTEL/MOTEL TAX 125

HOUSE MOVERS 123

HOUSE NUMBERS 150

HOUSES OF ILL FAME 50.02(12)

**HUNTING AND TRAPPING** 41.15

IMPOUNDING

Animals 55.15

Vehicles 70.06 and 80.02

INDEMNITY AGREEMENT, PERMITS, AND LICENSES 1.04

INSURANCE REQUIREMENTS

Fireworks 41.14

House Movers 123.05

Street Excavations 135.09

INTERFERENCE WITH OFFICIAL ACTS 41.06

INVESTMENTS AND DEPOSITS 7.03(2)

JAKE BRAKES 40.06

JUNK AND JUNK VEHICLES 51

*See also* Storing of Flammable Junk 50.02(7)

JUNK DEALERS, SECONDHAND GOODS DEALERS, AND

PAWNBROKERS 124

LAWN MAINTENANCE 152

LEGAL OPINIONS 20.06

LIBRARY 21

LICENSES

Drivers 62.01

Junk Dealers, Secondhand Goods Dealers, and Pawnbrokers 124

Liquor 120

Peddlers, Solicitors, Transient Merchants, Mobile Food Vendors, and

Pushcarts 122

*See also* Issuance of Licenses and Permits 18.10

*See also* **PERMITS**

LIQUOR LICENSES AND WINE AND BEER PERMITS 120

**LITTERING**

Debris on Sidewalks 136.17

Placing Debris on Streets 135.03

Solid Waste Control 105.07

LIVESTOCK 55.03, 55.05, 55.21

LOAD AND WEIGHT RESTRICTIONS, VEHICLES 66

LOITERING 40.08

MANUFACTURED AND MOBILE HOMES 146

*See also:*

Factory-Built Homes (Floodplain Regulations) 160

Mobile Homes (Zoning Regulations) 165

MAR-MAC EMERGENCY SQUAD 36

MAYOR

Appointments 15.03

Compensation 15.04

Powers and Duties 15.02

Term of Office 15.01

Voting 15.05

*See also* **CITY OFFICERS AND EMPLOYEES**

MAYOR PRO TEM 16

MEETINGS

Council Meetings 17.04

Procedures for Notice and Conduct of 5.06

Publication of Minutes of Council Meetings 18.03

MINORS 46

*See also*:

Amusement Devices 120.06

Businesses Operated By 122.17(7)

Employment for Serving of Alcohol 120.05(4)

In Licensed Premises 120.05(12)

Persons Under Legal Age (Alcohol) 45.01

Persons Under Legal Age (Tobacco) 121.07

MOBILE FOOD VENDORS, PUSHCARTS, PEDDLERS, SOLICITORS,

AND TRANSIENT MERCHANTS 122

MOBILE HOMES 146

*See also* **ZONING REGULATIONS** 165

**MUNICIPAL INFRACTIONS** 3

*See also* **MUNICIPAL INFRACTION ABATEMENT PROCEDURE** 50.07

NAMING OF STREETS 139

NOISE

Annoyance or Disturbance (Barking Dogs) 55.09

Disorderly Conduct 40.03(2) and 40.03(7)

Quiet Zones 62.05

Truck Parking 69.10(2)

NOMINATIONS FOR ELECTIVE OFFICE**S** 6

NUISANCE ABATEMENT PROCEDURE 50

NUMBERING OF BUILDINGS 150

OATH OF OFFICE 5.01

OFFENSIVE SMELLS AND SUBSTANCES 50.02(1) and (2)

*See also* Restricted Discharges to Sanitary Sewer System 97.04

ONE-WAY TRAFFIC 68

ON-SITE WASTEWATER SYSTEMS 98

OPEN BURNING 105.05

OPEN CONTAINERS IN MOTOR VEHICLES 62.01(50) and (51)

OPEN MEETINGS 5.06

OPERATING PROCEDURES 5

PARADES REGULATED 60.08

PARKING REGULATIONS

Angle Parking 69.03 and 69.04

Illegal Purposes 69.05

Limited to 48 Hours 69.09

No Parking Zones 69.08

**PARKING REGULATIONS (continued)**

Park Adjacent to Curb 69.01 and 69.02

Parking of Bicycles 76.11

Parking Prohibited 69.06

Parking Violations 70.03 and 70.04

Persons With Disabilities Parking 69.07

Snow Removal 69.14

Snow Routes 69.16

Street Cleaning 69.15

Trailer Parking Limited 69.11

Truck Parking Limited 69.10

Winter Parking 69.13

PAWNBROKERS, JUNK DEALERS, AND SECONDHAND

GOODS DEALERS 124

PEACE OFFICERS

Failure to Assist 41.04

Interference with 41.06

Obedience to 60.07

Powers and Authority under Traffic Code 60

Removal of an Officer’s Communication or Control Device 41.07

*See also* CONTRACT LAW ENFORCEMENT 30

PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS, MOBILE

FOOD VENDORS, AND PUSHCARTS 122

PEDESTRIANS 67

*See also:*

Crosswalks 61.02

State Code Traffic Regulations 62.01

Yield to Pedestrians in Crosswalks 65.08

PENALTIES

Abatement of Violation of Sewer Connection Requirements 96.10

Additional Penalties – Cigarette and Tobacco Permits 121.07

Curfew Violations 46.01(6)

Floodplain Violations 160.11

Municipal Infractions 3

Special Penalties (Sanitary Sewer Regulations) 95.09

Special Penalty (Bicycle Regulations) 76.13

Standard Penalty for Violation of Code of Ordinances 1.14

Traffic Code Violations 70

PERMITS

Beer and Wine 120

Cigarette and Tobacco 121.02

Fireworks 41.14

Floodplain Development 160.04(2)

House Mover 123.02

On-Site Wastewater System 98.04

**PERMITS (continued)**

Parade 60.08(1)

Persons with Disabilities Parking 69.07

Sewer Connection 96.01

Sidewalks 136.07

Street Excavation 135.09(1)

Vehicles, Excess Size and Weight 66.02

Vending Machines and Sales Stands on Sidewalks 136.19

*See also* Issuance of Licenses and Permits 18.10

*See also* **LICENSES**

PERSONAL INJURIES 1.05

PET AWARDS PROHIBITED 55.18

PETTY CASH FUND 7.03(3)

PIT BULL DOGS 55.10

PLANNING AND ZONING COMMISSION 22

PLAY STREETS 62.02

*See also* Playing in Streets 135.04

POLICE (CONTRACT LAW ENFORCEMENT) 30

**POLLUTION**

Air Pollution 50.02(8)

Environmental Violations 3.02

Incinerators Required 105.10

Open Burning Restricted 105.05

Prohibited Discharges to Public Sewer 97.03

Restricted Discharges to Sewer System 97.04

Toxic and Hazardous Wastes 105.08

Water Pollution 50.02(4)

**POWERS AND DUTIES**

City Administrator 18.02

City Clerk 18.02

City Council 17.02 and 17.03

City Officers Generally 2.03

Mayor 15.02

Mayor Pro Tem 16.02

Municipal Officers 5.03

PRIVATE PROPERTY 42

PRIVATE WATER SYSTEMS (SEWER CHARGES) 99.03

PUBLIC AND PRIVATE PROPERTY

Criminal Mischief 42.02

Damage to Sewer System 95.04(1)

Defacing Proclamations or Notices 42.03

Fraud 42.05

**PUBLIC AND PRIVATE PROPERTY (continued)**

Injury to Library Books or Property 21.10

Littering Prohibited 105.07

Public and Private Property 42

Sidewalk Regulations 136

Street Excavations 135

Theft 42.06

Trees and Shrubs on Public Property 151

Trespassing 42.01

Unauthorized Entry 42.04

PUBLIC HEALTH AND SAFETY 41

PUBLIC NOTICES 18.05(1)

PUBLIC OFFENSES

Drug Paraphernalia 43

Littering Prohibited 105.07

Public and Private Property 42

Public Health and Safety 41

Public Peace 40

*See also* SIDEWALK REGULATIONS 136

*See also* STREET EXCAVATIONS 135

PUBLICATION REQUIREMENTS 18.05

PUSHCARTS, MOBILE FOOD VENDORS, PEDDLERS, SOLICITORS,

AND TRANSIENT MERCHANTS 122

RABIES VACCINATION 55.12

RAILROAD REGULATIONS 81

RECORDS

Accounting 7.07

Maintenance by Clerk 18.08

Minutes of Council Meetings 5.06(3)

Public Records, Access to 5.04

Transfer to Successors 5.05

REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES 5.09

REPRESENTATION OF CITY EMPLOYEES 20.09

RESIGNATION OF ELECTED OFFICERS 5.08

RIGHT TO ENTER

Sewer Service Inspection and Sampling 95.07

Solid Waste Collection 106.06

Use of Easements 95.08

Warrants 1.12

RIVERFRONT REGULATIONS 82

SANITARY SEWER SYSTEM

Building Sewers and Connection Requirements 96

General Provisions 95

On-Site Wastewater Systems 98

Sewer Service Charges 99

Use of Public Sewers 97

SECONDHAND GOODS DEALERS, JUNK DEALERS, AND

PAWNBROKERS 124

SEWER RATES 99

SIDEWALKS

Barricades and Warning Lights 136.09

Bicycles on Sidewalks 76.08

Construction Standards 136.08

Debris on 136.17

Defacing 136.16

Encroaching Steps 136.13

Fires and Fuel on 136.15

Interference with Improvements 136.11

Maintenance 136

Openings and Enclosures 136.14

Parking Prohibited on Sidewalks 69.06(4)

Sales Stands and Merchandise Displays 136.18 and 136.19

Snow Removal 136.03

Use by Pedestrians 67.04

Vehicles Crossing Sidewalks 65.06

Vehicles on Sidewalks 62.03

SIGN STANDARDS (HISTORIC DISTRICT) 161

SKATES, COASTERS AND TOY VEHICLES

Clinging to Vehicle 62.04

SNOW REMOVAL

From Sidewalks 136.03

From Streets 135.12

Parking 69.14

SNOW ROUTES 69.16

SNOWMOBILES, ATVS, AND DIRT BIKES 75

SOLICITORS, PEDDLERS, TRANSIENT MERCHANTS, MOBILE

FOOD VENDORS, AND PUSHCARTS 122

SOLID WASTE CONTROL

Collection 106

General Provisions 105

*See also* Restricted Discharges to Sewer System 97.04

SPEED REGULATIONS 63

STATE CODE TRAFFIC REGULATIONS 62.01

STOP OR YIELD REQUIRED 65

STORMWATER

Discharge to Sanitary Sewer Prohibited 95.04(2) and 97.01

Drainage System Utility 91

Surface Water Exception 97.02

STREET NAME MAP 139.04 and 139.05

STREETS AND ALLEYS

Billboards and Signs Obstructing View 50.02(6)

Blocking Public and Private Ways 50.02(5)

Excavations and Maintenance 135

Grades 138

Naming 139

Vacation and Disposal 137

*See also* **TRAFFIC CODE**

SUBDIVISION REGULATIONS 166

TAX, HOTEL/MOTEL 125

TERMS OF OFFICE

City Administrator 18.01

Clerk 18.01

Council 2.04 and 17.01

Mayor 2.05 and 15.01

Treasurer 19.01

THEFT

Library Property 21.11

Public and Private Property 42.06

TOBACCO PERMITS 121

TOWERS AND ANTENNAS 116

TOXIC AND HAZARDOUS WASTE 105.08

TRAFFIC CODE

Administration of 60

Enforcement Procedures 70

General Regulations 62

Load and Weight Restrictions 66

One-Way Traffic 68

Parking Regulations 69

Pedestrians 67

Speed Regulations 63

Stop or Yield Required 65

Traffic Control Devices 61

Turning Regulations 64

**TRAFFIC CONTROL DEVICES**

Installation; Standards; Compliance 61

Traveling on Barricaded Street or Alley 135.05

TRAFFIC REGULATIONS 62.01

**TRAILER PARKING LIMITED** 69.11

TRANSIENT MERCHANTS, PEDDLERS, SOLICITORS,

MOBILE FOOD VENDORS, AND PUSHCARTS 122

TREASURER 19

**TREE BOARD** 28

TREES

Disease Control 151.05

Dutch Elm Disease 50.02(10)

Duty to Trim Trees 151.03

Inspection and Removal of 151.06

Maintenance of Parking or Terrace 135.10

Obstructing View at Intersections 62.06

Open Burning Restrictions 105.05

Planting Restrictions 151.02

Trimming Trees to be Supervised 151.04

Yard Waste 105.06

TRESPASSING 42.01

TRUCK PARKING LIMITED 69.10

TRUCK ROUTES 66.05

TURNING REGULATIONS 64

UNAUTHORIZED ENTRY 42.04

URBAN RENEWAL 8

URINATING AND DEFECATING IN PUBLIC 41.13

UTILITY BOARD OF TRUSTEES 25

U-TURNS 64.02

VACANCIES IN OFFICE 5.10

VACATING STREETS OR ALLEYS 137

VETO

Council May Override 17.03

Mayor’s Authority 15.02(4)

VICIOUS DOGS 55.10

VIOLATIONS

Cigarette and Tobacco Violations (Sale to Minors) 121.07

Environmental 3.02

Municipal Infractions 3

Parking 70

Special Penalties for Violation of Sanitary Sewer Regulations 95.09

Standard Penalty for Violation of Code of Ordinances 1.14

Traffic 62.01

Zoning 165.18 and 165.21

WARRANTS 1.12

WASTE STORAGE CONTAINERS 105.09

WASTEWATER SYSTEMS, ON-SITE 98

WATER POLLUTION 50.02(4)

WATER SERVICE SYSTEM

General Regulations 90

Stormwater Drainage System Utility 91

*See***UTILITY BOARD OF TRUSTEES** 25

WEAPONS

Discharging Weapons in City Limits 41.11

Throwing and Shooting 41.12

WEEDS AND BRUSH 50.02(9)

WINE

*See* ALCOHOL

YARD WASTE 105.06

YIELD REQUIRED 65

ZONING REGULATIONS 165

**USE AND MAINTENANCE OF THE   
CODE OF ORDINANCES**

The following information is provided to assist in the use and proper maintenance of this Code of Ordinances.

DISTRIBUTION OF COPIES

1. OFFICIAL COPY. The “OFFICIAL COPY” of the Code of Ordinances must be kept by the City Clerk and should be identified as the “OFFICIAL COPY.”

2. DISTRIBUTION. Other copies of the Code of Ordinances should be made available to all persons having a relatively frequent and continuing need to have access to ordinances which are in effect in the City as well as reference centers such as the City Library, County Law Library, and perhaps the schools.

3. SALE. The sale or distribution of copies in a general fashion is not recommended as experience indicates that indiscriminate distribution tends to result in outdated codes being used or misused.

4. RECORD OF DISTRIBUTION. The City Clerk should be responsible for maintaining an accurate and current record of persons having a copy of the Code of Ordinances. Each official, elected or appointed, should return to the City, upon leaving office, all documents, records and other materials pertaining to the office, including this Code of Ordinances.

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

NUMBERING OF ORDINANCES   
AMENDING THE CODE OF ORDINANCES

It is recommended that a simple numerical sequence be used in assigning ordinance numbers to ordinances as they are passed. For example, if the ordinance adopting the Code of Ordinances is No. 163, we would suggest that the first ordinance passed changing, adding to, or deleting from the Code be assigned the number 164, the next ordinance be assigned the number 165, and so on. We advise against using the Code of Ordinances numbering system for the numbering of ordinances.

RETENTION OF AMENDING ORDINANCES

Please note that two books should be maintained: (1) the Code of Ordinances; and (2) an ordinance book. We will assist in the maintenance of the Code of Ordinances book, per the Supplement Agreement, by revising and returning appropriate pages for the Code of Ordinances book as required to accommodate ordinances amending the Code. The City Clerk is responsible for maintaining the ordinance book and must be sure that an original copy of each ordinance adopted, bearing the signatures of the Mayor and Clerk, is inserted in the ordinance book and preserved in a safe place.

SUPPLEMENT RECORD

A record of all supplements prepared for the Code of Ordinances is provided in the front of the Code. This record will indicate the number and date of the ordinances adopting the original Code and of each subsequently adopted ordinance which has been incorporated in the Code. For each supplemented ordinance, the Supplement Record will list the ordinance number, date, topic, and chapter or section number of the Code affected by the amending ordinance. A periodic review of the Supplement Record and ordinances passed will assure that all ordinances amending the Code have been incorporated therein.

DISTRIBUTION OF SUPPLEMENTS

Supplements containing revised pages for insertion in each Code will be sent to the Clerk. It is the responsibility of the Clerk to see that each person having a Code of Ordinances receives each supplement so that each Code may be properly updated to reflect action of the Council in amending the Code.

AMENDING THE CODE OF ORDINANCES

The Code of Ordinances contains most of the laws of the City as of the date of its adoption and is continually subject to amendment to reflect changing policies of the Council, mandates of the State, or decisions of the Courts. Amendments to the Code of Ordinances can only be accomplished by the adoption of an ordinance.

(Code of Iowa, Sec. 380.2)

The following forms of ordinances are recommended for making amendments to the Code of Ordinances:

ADDITION OF NEW PROVISIONS

New material may require the addition of a new SUBSECTION, SECTION or CHAPTER, as shown in the following sample ordinance:

ORDINANCE NO. \_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCGREGOR, IOWA, BY ADDING A NEW SECTION LIMITING PARKING TO 30 MINUTES ON A PORTION OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ STREET**

BE IT ENACTED by the City Council of the City of McGregor, Iowa:

SECTION 1.  NEW SECTION. The Code of Ordinances of the City of McGregor, Iowa, is amended by adding a new Section 69.16, entitled PARKING LIMITED TO 30 MINUTES, which is hereby adopted to read as follows:

69.16   PARKING LIMITED TO 30 MINUTES. It is unlawful to park any vehicle for a continuous period of more than 30 minutes between the hours of 8:00 a.m. and 8:00 p.m. on each day upon the following designated streets:

1. \_\_\_\_\_\_\_\_\_\_ Street, on the \_\_\_\_\_ side, from \_\_\_\_\_\_\_\_\_\_\_ Street to \_\_\_\_\_\_\_\_\_\_\_\_ Street.

SECTION 2.  REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3.  SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, and approved this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

First Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Second Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Third Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

DELETION OF EXISTING PROVISIONS

Provisions may be removed from the Code of Ordinances by deleting SUBSECTIONS, SECTIONS or CHAPTERS, as shown in the following sample ordinance:

ORDINANCE NO. \_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCGREGOR, IOWA, BY REPEALING SECTION 65.02, SUBSECTION 5, PERTAINING TO THE SPECIAL STOP REQUIRED ON \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ STREET.**

BE IT ENACTED by the City Council of the City of McGregor, Iowa:

SECTION 1. SUBSECTION REPEALED. The Code of Ordinances of the City of McGregor, Iowa, is hereby amended by repealing Section 65.02, Subsection 5, which required vehicles traveling south on \_\_\_\_\_\_\_\_\_\_\_\_\_ Street to stop at \_\_\_\_\_\_\_\_\_\_\_\_\_\_ Street.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, and approved this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

First Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Second Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Third Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I certify that the foregoing was published as Ordinance No.\_\_\_ on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

MODIFICATION OR CHANGE OF EXISTING PROVISION

Existing provisions may be added to, partially deleted, or changed, as shown in the following sample:

ORDINANCE NO. \_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCGREGOR, IOWA, BY AMENDING PROVISIONS PERTAINING TO SEWER SERVICE CHARGES**

**BE IT ENACTED** by the City Council of the City of McGregor, Iowa:

SECTION 1. SECTION MODIFIED. Section 99.01 of the Code of Ordinances of the City of McGregor, Iowa, is repealed and the following adopted in lieu thereof:

99.01 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer service charges in the amount of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ percent of the bill for water and water service attributable to the customer for the property served, but in no event less than $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dollars per \_\_\_\_\_\_\_\_\_\_.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, and approved this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

First Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Second Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Third Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

ORDINANCES NOT CONTAINED IN THE   
CODE OF ORDINANCES

There are certain types of ordinances which the City will be adopting which do not have to be incorporated in the Code of Ordinances. These include ordinances: (1) establishing grades of streets or sidewalks; (2) vacating streets or alleys; (3) authorizing the issuance of bonds; and (4) amending the zoning map.

(Code of Iowa, Sec. 380.8)

ORDINANCE NO. \_\_\_

**AN ORDINANCE VACATING *(INSERT LOCATION OR LEGAL DESCRIPTION OF STREET OR ALLEY BEING VACATED)* TO MCGREGOR, IOWA**

Be It Enacted by the City Council of the City of McGregor, Iowa:

SECTION 1. The *(location or legal description of street or alley)* to McGregor, Iowa, is hereby vacated and closed from public use.

SECTION 2. The Council may by resolution convey the alley described above to abutting property owners in a manner directed by the City Council.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, and approved this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

First Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Second Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Third Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

These ordinances should be numbered in the same numerical sequence as any other amending ordinance and placed in their proper sequence in the ordinance book.

SUGGESTED FORMS

FIRST NOTICE – DANGEROUS BUILDING

TO: (Name and address of owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) within \_\_\_\_ days from service of this notice or file written request for a Council hearing with the undersigned officer within said time limit.

The nuisance consists of (describe the nuisance and cite the law or ordinance) and shall be abated by (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance, as directed, or file written request for hearing within the time prescribed herein, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the cost will be assessed against you as provided by law.

Date of Notice: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City of McGregor, Iowa

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(enforcement officer)

NOTICE OF HEARING ON DANGEROUS BUILDING

TO: (Name and address of the owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified that the City Council of McGregor, Iowa, will meet on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_ p.m., in the Council Chambers of the City Hall, at (address of City Hall) for the purpose of considering whether or not the alleged nuisance consisting of (describe the nuisance) on your property, locally known as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, constitutes a nuisance pursuant to Chapter             of the Code of Ordinances of McGregor, Iowa, and should be abated by (state action necessary to abate the particular nuisance).

You are further notified that at such time and place you may appear and show cause why the said alleged nuisance should not be abated.

You are further notified to govern yourselves accordingly.

Date of Notice: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City of McGregor, Iowa

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(enforcement officer)

RESOLUTION AND ORDER   
REGARDING DANGEROUS BUILDING

BE IT RESOLVED, by the City Council of the City of McGregor, Iowa:

WHEREAS, notice has heretofore been served on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, on (property owner’s name), through (agent’s name or “none”), agent, to abate the nuisance existing at (legal description and address) within \_\_\_ days from service of said notice upon the said (name of owner or agent). and

(EITHER)

WHEREAS, a hearing was requested by the said (name of property owner or agent) and the same was held at this meeting and evidence produced and considered by the City Council.

(OR, ALTERNATE TO PRECEDING PARAGRAPH)

WHEREAS, the said owner (agent) named above has failed to abate or cause to be abated the above nuisance as directed within the time set, and after evidence was duly produced and considered at this meeting, and said owner has failed to file a written request for hearing, as provided, after being properly served by a notice to abate.

NOW THEREFORE, BE IT RESOLVED that the owner of said property, or said owner’s agent (name of owner or agent) is hereby directed and ordered to abate the nuisance consisting of (describe the nuisance) by (state action necessary to abate) within \_\_\_ days after the service of this Order upon said owner or agent. and

BE IT FURTHER RESOLVED that the enforcement officer be and is hereby directed to serve a copy of this Order upon the said property owner or agent named above. and

BE IT FURTHER RESOLVED that in the event the owner, or agent (name the owner or agent) fails to abate the said nuisance within the time prescribed above, then and in that event the City will abate the said nuisance and the cost will be assessed against the property and/or owner (owner’s name) at (address), as the law shall provide.

Moved by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to adopt.

Adopted this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

Note: It is suggested by the blank space in the resolution that additional time be allowed the owner to abate the nuisance after the passage of the resolution before any action is taken on the part of the City to abate the same. In some instances, for the sake of public safety, the time element could be stricken from the resolution and immediate action be taken to abate the nuisance after the order is given.

NOTICE TO ABATE NUISANCE

TO: (Name and address of owner, agent, or occupant of the property on which the nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) or file written request for a hearing with the undersigned officer within (hours or days) from service of this notice.

The nuisance consists of: (describe the nuisance) and shall be abated by: (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance as directed, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.

Date of Notice: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City of McGregor, Iowa

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(designate officer initiating notice)

NOTICE

REQUIRED SEWER CONNECTION

TO: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Street Address)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Iowa

You are hereby notified that connection to the public sanitary sewer system is required at the following described property within \_\_\_\_\_\_ (\_\_\_\_) days from service of this notice or that you must file written request for a hearing before the Council with the undersigned office within said time limit.

Description of Property

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The nearest public sewer line within \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (\_\_\_\_) feet of the above described property is located

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

In the event you fail to make connection as directed, or file written request for hearing within the time prescribed herein, the connection shall be made by the City and the costs thereof assessed against you as by law provided.

Date of Notice: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City of McGregor, Iowa

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name) (Title)

NOTICE OF HEARING

REQUIRED SEWER CONNECTION

TO: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Street Address)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Iowa

You are hereby notified that the City Council of McGregor, Iowa, will meet on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_\_ \_\_m. in the Council Chambers of the City Hall for the purpose of considering whether or not connection to the public sanitary sewer system shall be required at the following described property:

Description of Property

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

You are further notified that at such time and place you may appear and show cause why said connection should not be required.

You are further notified to govern yourselves accordingly.

Date of Notice: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City of McGregor, Iowa

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name) (Title)

RESOLUTION AND ORDER

REQUIRED SEWER CONNECTION

BE IT RESOLVED, by the City Council of the City of McGregor, Iowa:

WHEREAS, notice has heretofore been served on the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 20\_\_\_, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, (Name of Property Owner)

through \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Agent,

(Agent’s Name or “None”)

to make connection of the property described as

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

to the public sanitary sewer located\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

within \_\_\_\_\_\_ (\_\_\_\_\_) days from service of notice upon said owner or agent. and

(EITHER)

WHEREAS, a hearing was requested by the said owner or agent and the same was held at this meeting and evidence produced and considered by the City Council.

(OR AS ALTERNATE TO THE PRECEDING PARAGRAPH)

WHEREAS, the said owner or agent named above has failed to make such required connection within the time set, and after evidence was duly produced and considered at this meeting, and said owner or agent has failed to file a written request for hearing after being properly served by a notice to make such connection or request a hearing thereon.

NOW, THEREFORE, BE IT RESOLVED that the owner of said property, or said owner’s agent, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name of Owner or Agent)

is hereby directed and ordered to make such required connection within \_\_\_\_\_\_ days after the service of this ORDER upon said owner or agent. and

BE IT FURTHER RESOLVED that the City Clerk be and the same is hereby directed to serve a copy of this ORDER upon said property owner or agent named above. and

BE IT FURTHER RESOLVED, that in the event the owner, or agent, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

(Name of Owner or Agent)

fails to make such connection within the time prescribed above, then and in that event the City will make such connection and the cost thereof will be assessed against the property and/or owner

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Owner’s Name)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as provided by law.

(Address)

Moved by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to adopt.

Seconded by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

AYES: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

NAYS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Resolution approved this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

1. † **EDITOR’S NOTE**: Ordinance No. 371 adopting a charter for the City was passed and approved by the Council on September 25, 1976, and was published on September 29, 1976. An ordinance changing Council Member terms from two years to overlapping four-year terms was adopted on November 14, 1989. [↑](#footnote-ref-1)
2. † **EDITOR’S NOTE:** For criminal penalty for violations of this Code of Ordinances, see Section 1.14. [↑](#footnote-ref-2)
3. † **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. [↑](#footnote-ref-3)
4. † **EDITOR’S NOTE:** See also Section 136.04 relating to property owner’s responsibility for maintenance of sidewalks. [↑](#footnote-ref-4)
5. † **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. [↑](#footnote-ref-5)