

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

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# **GENERAL CODE PROVISIONS**

## **TABLE OF CONTENTS**

<b>CHAPTER 1 - CODE OF ORDINANCES.....</b>	<b>1</b>
<b>CHAPTER 2 - CHARTER.....</b>	<b>9</b>
<b>CHAPTER 3 - MUNICIPAL INFRACTIONS .....</b>	<b>11</b>
<b>CHAPTER 5 - OPERATING PROCEDURES .....</b>	<b>21</b>
<b>CHAPTER 6 - CITY ELECTIONS.....</b>	<b>29</b>
<b>CHAPTER 7 - FISCAL MANAGEMENT.....</b>	<b>35</b>
<b>CHAPTER 8 - INDUSTRIAL PROPERTY TAX EXEMPTIONS .....</b>	<b>45</b>
<b>CHAPTER 9 - URBAN RENEWAL .....</b>	<b>47</b>
<b>CHAPTER 10 - URBAN REVITALIZATION .....</b>	<b>49</b>

# **ADMINISTRATION, BOARDS AND COMMISSIONS**

## **TABLE OF CONTENTS**

<b>CHAPTER 15 - MAYOR .....</b>	<b>71</b>
<b>CHAPTER 16 - MAYOR PRO TEM.....</b>	<b>73</b>
<b>CHAPTER 17 - CITY COUNCIL.....</b>	<b>75</b>
<b>CHAPTER 18 - CITY CLERK .....</b>	<b>83</b>
<b>CHAPTER 19 - CITY TREASURER .....</b>	<b>87</b>
<b>CHAPTER 20 - CITY ATTORNEY .....</b>	<b>89</b>
<b>CHAPTER 21 - LIBRARY BOARD OF TRUSTEES.....</b>	<b>91</b>
<b>CHAPTER 22 - PLANNING AND ZONING COMMISSION.....</b>	<b>97</b>
<b>CHAPTER 23 - PARKS AND RECREATION BOARD.....</b>	<b>101</b>
<b>CHAPTER 24 - UTILITY BOARD OF TRUSTEES .....</b>	<b>115</b>
<b>CHAPTER 25 - MUNICIPAL AIRPORT COMMISSION.....</b>	<b>119</b>
<b>CHAPTER 26 - HOUSING STEERING COMMITTEE .....</b>	<b>123</b>

# **POLICE, FIRE AND EMERGENCIES**

## **TABLE OF CONTENTS**

<b>CHAPTER 30 - POLICE DEPARTMENT.....</b>	<b>145</b>
<b>CHAPTER 35 - FIRE DEPARTMENT .....</b>	<b>151</b>
<b>CHAPTER 36 - HAZARDOUS SUBSTANCE SPILLS .....</b>	<b>155</b>

# **PUBLIC OFFENSES**

## **TABLE OF CONTENTS**

<b>CHAPTER 40 - PUBLIC PEACE .....</b>	<b>185</b>
<b>CHAPTER 41 - PUBLIC HEALTH AND SAFETY .....</b>	<b>191</b>
<b>CHAPTER 42 - PUBLIC AND PRIVATE PROPERTY .....</b>	<b>197</b>
<b>CHAPTER 43 - DRUG PARAPHERNALIA .....</b>	<b>203</b>
<b>CHAPTER 45 - ALCOHOL CONSUMPTION AND INTOXICATION.....</b>	<b>225</b>
<b>CHAPTER 46 - MINORS.....</b>	<b>227</b>
<b>CHAPTER 47 - PARK REGULATIONS.....</b>	<b>235</b>

# **NUISANCES AND ANIMAL CONTROL**

## **TABLE OF CONTENTS**

<b>CHAPTER 50 - NUISANCE ABATEMENT PROCEDURE .....</b>	<b>251</b>
<b>CHAPTER 51 - JUNK AND JUNK VEHICLES.....</b>	<b>257</b>
<b>CHAPTER 55 - ANIMAL PROTECTION AND CONTROL.....</b>	<b>275</b>
<b>CHAPTER 56 - DOG LICENSE REQUIRED .....</b>	<b>281</b>
<b>CHAPTER 57 - VICIOUS ANIMALS .....</b>	<b>285</b>

# TRAFFIC AND VEHICLES

## TABLE OF CONTENTS

CHAPTER 60 - ADMINISTRATION OF TRAFFIC CODE.....	301
CHAPTER 61 - TRAFFIC CONTROL DEVICES.....	305
CHAPTER 62 - GENERAL TRAFFIC REGULATIONS.....	307
CHAPTER 63 - SPEED REGULATIONS .....	317
CHAPTER 64 - TURNING REGULATIONS .....	321
CHAPTER 65 - STOP OR YIELD REQUIRED .....	323
CHAPTER 66 - LOAD AND WEIGHT RESTRICTIONS .....	331
CHAPTER 67 - PEDESTRIANS.....	335
CHAPTER 68 - ONE-WAY TRAFFIC.....	337
CHAPTER 69 - PARKING REGULATIONS .....	339
CHAPTER 70 - TRAFFIC CODE ENFORCEMENT PROCEDURES.....	361
CHAPTER 75 - ALL-TERRAIN VEHICLES AND SNOWMOBILES .....	381
CHAPTER 76 - BICYCLE REGULATIONS.....	385
CHAPTER 77 - GOLF CARTS.....	387
CHAPTER 80 - ABANDONED VEHICLES .....	395

# **WATER**

## **TABLE OF CONTENTS**

<b>CHAPTER 90 - WATER SERVICE SYSTEM .....</b>	<b>421</b>
<b>CHAPTER 91 - WATER METERS.....</b>	<b>429</b>
<b>CHAPTER 92 - WATER RATES .....</b>	<b>433</b>



# **SANITARY SEWER**

## **TABLE OF CONTENTS**

<b>CHAPTER 95 - SANITARY SEWER SYSTEM.....</b>	<b>445</b>
<b>CHAPTER 96 - BUILDING SEWERS AND CONNECTIONS.....</b>	<b>449</b>
<b>CHAPTER 97 - USE OF PUBLIC SEWERS.....</b>	<b>457</b>
<b>CHAPTER 98 - ON-SITE WASTEWATER SYSTEMS.....</b>	<b>461</b>
<b>CHAPTER 99 - SEWER SERVICE CHARGES.....</b>	<b>463</b>

# **GARBAGE AND SOLID WASTE**

## **TABLE OF CONTENTS**

<b>CHAPTER 105 - SOLID WASTE CONTROL.....</b>	<b>475</b>
<b>CHAPTER 106 - COLLECTION OF SOLID WASTE.....</b>	<b>485</b>

# **FRANCHISES AND OTHER SERVICES**

## **TABLE OF CONTENTS**

<b>CHAPTER 110 - GAS UTILITY.....</b>	<b>501</b>
<b>CHAPTER 111 - FRANCHISES REQUIRED.....</b>	<b>513</b>
<b>CHAPTER 115 - CEMETERY .....</b>	<b>565</b>

# **REGULATION OF BUSINESS AND VOCATIONS**

## **TABLE OF CONTENTS**

<b>CHAPTER 120 - LIQUOR LICENSES AND WINE AND BEER PERMITS.....</b>	<b>581</b>
<b>CHAPTER 121 - CIGARETTE AND TOBACCO PERMITS.....</b>	<b>585</b>
<b>CHAPTER 122 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS.....</b>	<b>589</b>
<b>CHAPTER 123 - HOUSE MOVERS .....</b>	<b>595</b>
<b>CHAPTER 124 - MOBILE FOOD VENDORS .....</b>	<b>599</b>

# **STREETS AND SIDEWALKS**

## **TABLE OF CONTENTS**

<b>CHAPTER 135 - STREET USE AND MAINTENANCE.....</b>	<b>621</b>
<b>CHAPTER 136 - SIDEWALK REGULATIONS .....</b>	<b>627</b>
<b>CHAPTER 137 - VACATION AND DISPOSAL OF STREETS .....</b>	<b>637</b>
<b>CHAPTER 138 - STREET GRADES.....</b>	<b>639</b>
<b>CHAPTER 139 - NAMING OF STREETS.....</b>	<b>641</b>
<b>CHAPTER 140 - CONTROLLED ACCESS FACILITIES.....</b>	<b>643</b>
<b>CHAPTER 141 - DRIVEWAYS AND STREET CURBS.....</b>	<b>651</b>

# **BUILDING AND PROPERTY REGULATIONS**

## **TABLE OF CONTENTS**

<b>CHAPTER 145 - DANGEROUS BUILDINGS.....</b>	<b>671</b>
<b>CHAPTER 146 - MANUFACTURED AND MOBILE HOMES .....</b>	<b>675</b>
<b>CHAPTER 147 - BUILDING CODE .....</b>	<b>681</b>
<b>CHAPTER 148 - REGULATED SUBSTANCES IN CONSTRUCTION .....</b>	<b>683</b>
<b>CHAPTER 150 - BUILDING NUMBERING.....</b>	<b>701</b>
<b>CHAPTER 151 - TREES.....</b>	<b>703</b>
<b>CHAPTER 160 - FLOODPLAIN MANAGEMENT .....</b>	<b>735</b>
<b>CHAPTER 161 - RENTAL PROPERTY.....</b>	<b>751</b>

**ZONING AND SUBDIVISION**

**TABLE OF CONTENTS**

**CHAPTER 165 - ZONING REGULATIONS.....775**

**CHAPTER 166 - AIRPORT LAND USE AND HEIGHT OVERLAY**  
**ZONING ORDINANCE .....901**

**CHAPTER 170 - SUBDIVISION REGULATIONS .....925**

# INDEX TO CODE OF ORDINANCES

	CHAPTER OR SECTION NUMBER
<b>ABANDONED BUILDINGS</b> .....	145
<b>ABANDONED OR UNATTENDED REFRIGERATORS</b> .....	41.08
<b>ABANDONED UTILITY CONNECTIONS</b>	
On-Site Wastewater Treatment and Disposal Systems .....	98.07
Water Service .....	90.04
<b>ABANDONED VEHICLES</b> .....	80
<i>See also</i> Impounding Vehicles .....	70.06
<i>See also</i> State Code Traffic Regulations .....	62.01
<b>ABANDONMENT OF CATS AND DOGS</b> .....	55.04
<b>ABATEMENT OF NUISANCES</b> .....	50
<b>ACCESS CONTROLLED</b> .....	140
<b>ACCESSORY BUILDINGS</b> .....	165.14
<b>ACCOUNTING RECORDS</b> .....	7.07
<b>AIR POLLUTION</b> .....	50.02(8)
<i>See also</i> <b>ENVIRONMENTAL VIOLATION</b> .....	3.02
<b>AIRPORT AIR SPACE</b> .....	50.02(11)
<b>AIRPORT COMMISSION</b> .....	25
<b>AIRPORT LAND USE &amp; HEIGHT OVERLAY ZONING</b> .....	166
<b>ALCOHOL</b>	
Consumption and Intoxication .....	45
Liquor Licenses and Wine and Beer Permits .....	120
Open Containers in Motor Vehicles .....	62.01(49) and (50)
Social Host Liability .....	45.04
<b>ALL-TERRAIN VEHICLES AND SNOWMOBILES</b> .....	75
<b>AMUSEMENT DEVICES</b> .....	120.06
<b>ANGLE PARKING</b> .....	69.03 and 69.04
<b>ANIMAL PROTECTION AND CONTROL</b>	
Abandonment of Cats and Dogs .....	55.04
Animal Neglect .....	55.02
Animals Prohibited by Signs .....	55.18
Annoyance or Disturbance .....	55.08
At Large Prohibited .....	55.06
Confinement of Animals Suspected of Having Rabies .....	55.12
Damage or Interference by Animals .....	55.07
Dog License Required .....	56
Duty to Report Attacks .....	55.11
Impounding .....	55.13 - 55.15



	CHAPTER OR SECTION NUMBER
<b>ANIMAL PROTECTION AND CONTROL (continued)</b>	
Livestock.....	55.03 and 55.05
Number of Animals Limited .....	55.17
Pet Awards Prohibited .....	55.16
Rabies Vaccination .....	55.10
Vicious Animals .....	57
<b>ANTENNA AND RADIO WIRES</b> .....	41.09
<b>APPOINTMENTS</b>	
By Council .....	17.05
By Mayor .....	15.03
<b>ASSAULT</b> .....	40.01
<b>ATTORNEY FOR CITY</b> .....	20
<b>AUTOMOBILE REPAIR ON PUBLIC PROPERTY</b> .....	69.05(2)
<b>AWNINGS</b> .....	136.12
<b>BARBED WIRE AND ELECTRIC FENCES</b> .....	41.10
<b>BEER, LIQUOR, AND WINE CONTROL</b>	
<i>See ALCOHOL</i>	
<b>BICYCLES</b> .....	76
<i>See also</i> Clinging to Vehicles .....	62.04
<i>See also</i> State Code Traffic Regulations .....	62.01
<b>BILLBOARDS</b> .....	50.02(6) and 62.06
<b>BONDS</b>	
City Officials.....	5.02
House Movers .....	123.04
Public Bonds, Records of.....	18.08(3)
Streets .....	135.09(4)
Transient Merchants .....	122.08
<b>BUDGET</b>	
Amendments .....	7.06
Preparation .....	7.05
<b>BUILDING CODE</b> .....	147
<b>BUILDING MOVERS</b> .....	123
<b>BUILDING NUMBERING</b> .....	150
<b>BUILDING SEWERS AND CONNECTIONS</b> .....	96
<b>BUILDINGS, DANGEROUS</b> .....	145

	CHAPTER OR SECTION NUMBER
<b>BULKY RUBBISH</b> .....	106.05
<b>BURNING</b>	
Burning on Streets and Alleys.....	135.08
Fires in Parks.....	47.03
Fires or Fuel on Sidewalks.....	136.15
Open Burning Restricted.....	105.05
<b>BUSINESS DISTRICT</b> .....	60.02(1)
<i>See also:</i>	
Bicycles on Sidewalks .....	76.08(1)
Sidewalks .....	136.08(5)(B)
<b>CAMPING IN PARKS</b> .....	47.06
<b>CAR WASHING ON STREETS</b> .....	135.07
<b>CEMETERY PROVISIONS</b> .....	115
<i>See also</i> Parks, Cemeteries and Parking Lots (Speed Limits) .....	63.03
<b>CHARTER</b> .....	2
<b>CIGARETTES AND TOBACCO</b>	
Permits .....	121
Possession by Minors .....	46.02
<b>CITY ATTORNEY</b> .....	20
<b>CITY CHARTER</b> .....	2
<b>CITY COUNCIL</b>	
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
<b>CITY ELECTIONS</b> .....	6
<b>CITY OFFICERS AND EMPLOYEES</b>	
Appointments by Council .....	17.05
Appointments by Mayor .....	15.03
Bonds .....	5.02
City Attorney.....	20
City Clerk.....	18
City Council .....	17
City Treasurer.....	19
Conflict of Interest.....	5.07
Discretionary Powers.....	1.13
Extension of Authority.....	1.07

---

CHAPTER OR SECTION  
NUMBER

---

**CITY OFFICERS AND EMPLOYEES (continued)**

Fire Chief .....	35
Gifts to .....	5.11
Harassment of.....	41.05
Indemnity of.....	1.04
Mayor.....	15
Oath of Office.....	5.01
Police Chief.....	30
Powers and Duties .....	5.03
Removal of an Officer's Communication or Control Device.....	41.07
Removal of Appointed Officers and Employees .....	5.09
Resignations .....	5.08
Sewer Superintendent .....	95.03
Vacancies .....	5.10
Water Superintendent .....	90.02

**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 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

**COMPRESSION BRAKES .....** 62.07

	CHAPTER OR SECTION NUMBER
<b>CONFLICT OF INTEREST</b> .....	5.07
<b>CONTRACT LAW ENFORCEMENT</b> .....	30.11
<b>CONTRIBUTING TO DELINQUENCY</b> .....	46.03
<b>CONTROLLED ACCESS FACILITIES</b> .....	140
<b>COUNCIL</b> .....	17
<b>COUNCIL MEETINGS</b> .....	17.04
<b>CRIMINAL MISCHIEF</b> .....	42.02
<b>CROSSWALKS</b>	
Designation and Maintenance .....	61.02
Parking Prohibited in .....	69.06(1)
Pedestrians in Crosswalks .....	65.06
<b>CURFEW</b> .....	46.01
<b>DANGEROUS BUILDINGS</b> .....	145
<b>DANGEROUS SUBSTANCES, DISTRIBUTING OF</b> .....	41.01
<i>See also</i> <b>REGULATED SUBSTANCES IN CONSTRUCTION</b> .....	148
<b>DANGEROUS TOYS (THROWING AND SHOOTING)</b> .....	41.12
<b>DEFACING PROCLAMATIONS AND NOTICES</b> .....	42.03
<b>DEPOSIT FOR UTILITIES</b> .....	92.09
<b>DEPOSITS AND INVESTMENTS</b> .....	7.03(2)
<b>DESTRUCTION OF PROPERTY</b> .....	42.02
<b>DISCRETIONARY POWER OF CITY OFFICERS AND EMPLOYEES</b> .....	1.13
<b>DISORDERLY CONDUCT</b> .....	40.03
<b>DOGS</b> .....	55
<i>See also</i> <b>ANIMALS</b>	
<b>DRIVEWAY CULVERTS</b> .....	135.13
<b>DRIVEWAYS AND STREET CURBS</b> .....	141
<b>DRUG PARAPHERNALIA</b> .....	43
<b>DUMPING PROHIBITED</b> .....	105.08
<b>DUTCH ELM DISEASE</b> .....	50.02(10)
<b>EASEMENTS, USE OF</b> .....	95.08

	CHAPTER OR SECTION NUMBER
<b>ELECTIONS</b>	
Duties of Clerk .....	18.12
Procedures.....	6
<b>ENVIRONMENTAL VIOLATIONS .....</b>	<b>3.02</b>
<b>EXCAVATIONS</b>	
Sewer .....	96.03
Streets .....	135.09
Water .....	90.08
<b>EXTENSION OF AUTHORITY .....</b>	<b>1.07</b>
<b>FAILURE TO DISPERSE .....</b>	<b>40.05</b>
<b>FALSE IDENTIFICATION INFORMATION .....</b>	<b>41.03</b>
<b>FALSE REPORTS</b>	
Of Catastrophe.....	40.03(5)
To Public Safety Entities.....	41.02
<b>FENCES</b>	
Barbed Wire and Electric Fences .....	41.10
Blocking Public and Private Ways .....	50.02(5)
Zoning.....	165.19
<b>FIGHTING.....</b>	<b>40.03(1)</b>
<b>FINANCE OFFICER.....</b>	<b>7.02</b>
<b>FINANCES .....</b>	<b>7</b>
<b>FINANCIAL REPORTS.....</b>	<b>7.08</b>
<b>FIRE DEPARTMENT .....</b>	<b>35</b>
<b>FIRE HAZARD CONDITIONS</b>	
Health and Fire Hazard .....	105.04
Storing of Flammable Junk .....	50.02(7)
Unsafe Buildings .....	145
Weeds and Brush.....	50.02(9)
<b>FIRE SPRINKLER SYSTEMS CONNECTIONS.....</b>	<b>91.03</b>
<b>FIRES</b>	
In Parks .....	47.03
On Sidewalks .....	136.15
Open Burning Restricted.....	105.05
<b>FIREWORKS.....</b>	<b>41.14</b>
<b>FISCAL MANAGEMENT .....</b>	<b>7</b>

	CHAPTER OR SECTION NUMBER
<b>FLAG, DISRESPECT OF</b> .....	40.03(6)
<b>FLOODPLAIN MANAGEMENT</b> .....	160
<b>FORM OF GOVERNMENT</b> .....	2.02
<b>FRANCHISES REQUIRED</b> .....	111
<b>FRAUD</b> .....	42.05
<b>FUNDS</b> .....	7.04
<b>FUNERAL SERVICE, DISRUPTION OF</b> .....	40.03(8)
<i>See also</i> State Code Traffic Regulations .....	62.01
<b>GANG ACTIVITY</b> .....	50.02(12)
<b>GARAGES AND ACCESSORY BUILDINGS</b> .....	165.14
<b>GARBAGE COLLECTION AND DISPOSAL</b> .....	105 and 106
<b>GAS UTILITY</b> .....	110
<b>GIFTS TO CITY OFFICIALS</b> .....	5.11
<b>GOLF CARTS</b> .....	77
<b>GRADES OF STREETS, ALLEYS AND SIDEWALKS</b> .....	138
<b>GRASS AND WEEDS</b> .....	50.03
<b>HANDICAPPED PARKING</b>	
<i>See</i> Persons with Disabilities Parking .....	69.07
<b>HARASSMENT</b>	
Of Other Persons .....	40.02
Of Public Officers and Employees .....	41.05
<b>HAZARDOUS SUBSTANCE SPILLS</b> .....	36
<b>HAZARDOUS WASTE</b> .....	105.09
<i>See also</i> Prohibited and Restricted Discharges to Sewer System .....	97.03 and 97.04
<b>HITCHHIKING</b> .....	67.02
<b>HOUSE MOVERS</b> .....	123
<b>HOUSE NUMBERS</b> .....	150
<b>HOUSES OF ILL FAME</b> .....	50.02(12)
<b>HOUSING STEERING COMMITTEE</b> .....	26
<b>IMPOUNDING</b>	
Animals.....	55.13
Vehicles .....	70.06 and 80.02
<b>INDEMNITY AGREEMENT; PERMITS AND LICENSES</b> .....	1.04

<b>INDUSTRIAL PROPERTY TAX EXEMPTIONS.....</b>	<b>8</b>
------------------------------------------------	----------

	CHAPTER OR SECTION NUMBER
<b>INSURANCE REQUIREMENTS</b>	
Firefighters .....	35
Fireworks .....	41.14
House Movers .....	123.05
Street Excavations .....	135.09
<b>INTERFERENCE WITH OFFICIAL ACTS</b> .....	41.06
<b>INTERMENT RIGHTS</b> .....	115
<b>INVESTMENTS AND DEPOSITS</b> .....	7.03(2)
<b>JUNK AND JUNK VEHICLES</b> .....	51
<i>See also</i> Storing of Flammable Junk .....	50.02(7)
<b>LEGAL OPINIONS</b> .....	20.06
<b>LIBRARY</b> .....	21
<b>LICENSES</b>	
Dogs .....	56
Drivers .....	62.01
Liquor .....	120
Peddlers, Solicitors and Transient Merchants .....	122
<i>See also</i> Issuance of Licenses and Permits .....	18.10
<i>See also</i> <b>PERMITS</b>	
<b>LIQUOR LICENSES AND WINE AND BEER PERMITS</b> .....	120
<b>LITTERING</b>	
Debris on Sidewalks .....	136.17
Park Regulations .....	47.04
Placing Debris on Streets .....	135.03
Solid Waste Control .....	105.07
<b>LIVESTOCK</b> .....	55.03 and 55.05
<b>LOAD AND WEIGHT RESTRICTIONS, VEHICLES</b> .....	66
<b>LOITERING</b> .....	40.04
<b>MANUFACTURED AND MOBILE HOMES</b> .....	146
<i>See also:</i>	
Factory-Built Homes (Floodplain Regulations) .....	160
Mobile Homes (Zoning Regulations) .....	165.06
<b>MAYOR</b>	
Appointments .....	15.03
Compensation .....	15.04
Powers and Duties .....	15.02
Term of Office .....	15.01
Voting .....	15.05



	CHAPTER OR SECTION NUMBER
<i>See also</i> CITY OFFICERS AND EMPLOYEES	
<b>MAYOR PRO TEM</b> .....	16
<b>MEETINGS</b>	
Council Meetings .....	17.04
Procedures for Notice and Conduct of.....	5.06
Publication of Minutes of Council Meetings.....	18.03
<b>METERS, WATER</b> .....	91
<b>MINORS</b> .....	46
<i>See also:</i>	
Amusement Devices .....	120.06
Employment for Serving of Alcohol .....	120.05(4)
Persons Under Legal Age .....	45.01
Persons Under Legal Age .....	121.07
<b>MOBILE FOOD VENDORS</b> .....	124
<b>MOBILE HOMES</b> .....	146
<i>See also</i> <b>ZONING REGULATIONS</b> .....	165.06
<b>MUNICIPAL AIRPORT COMMISSION</b> .....	25
<b>MUNICIPAL INFRACTIONS</b> .....	3
<i>See also</i> <b>MUNICIPAL INFRACTION ABATEMENT PROCEDURE</b> .....	50.07
<b>NAMING OF STREETS</b> .....	139
<b>NATURAL GAS UTILITY</b> .....	110
<b>NOISE</b>	
Annoyance or Disturbance (Barking Dogs) .....	55.08
Compression Brakes .....	62.07
Disorderly Conduct .....	40.03(2) and 40.03(8)
Quiet Zones.....	62.05
Truck Parking.....	69.09(3)
<b>NOMINATIONS FOR ELECTIVE OFFICES</b> .....	6
<b>NUISANCE ABATEMENT PROCEDURE</b> .....	50
<b>NUMBERING OF BUILDINGS</b> .....	150
<b>OATH OF OFFICE</b> .....	5.01
<b>OFFENSIVE SMELLS AND SUBSTANCES</b> .....	50.02(1) and (2)
<i>See also</i> Restricted Discharges to Sanitary Sewer System .....	97.04
<b>OFF-ROAD MOTORCYCLES AND UTILITY VEHICLES</b> .....	75
<b>ONE-WAY TRAFFIC</b> .....	68
<b>ON-SITE WASTEWATER SYSTEMS</b> .....	98
<b>OPEN BURNING</b> .....	105.05

	CHAPTER OR SECTION NUMBER
<b>OPEN CONTAINERS IN MOTOR VEHICLES</b> .....	62.01(49) and (50)
<b>OPEN MEETINGS</b> .....	5.06
<b>OPERATING PROCEDURES</b> .....	5
<b>PARADES REGULATED</b> .....	60.08
<b>PARK REGULATIONS</b> .....	47
<i>See also</i> Parks, Cemeteries and Parking Lots (Speed Limits) .....	63.03
<b>PARKING REGULATIONS</b>	
Angle Parking.....	69.03 and 69.04
Controlled Access.....	140.08
Illegal Purposes .....	69.05
No Parking Zones .....	69.08
Park Adjacent to Curb.....	69.01 and 69.02
Parking of Bicycles.....	76.11
Parking Permit.....	69.12
Parking Prohibited .....	69.06
Parking Violations .....	70.03 and 70.04
Persons With Disabilities Parking .....	69.07
Snow Emergency.....	69.10
Truck Parking Limited.....	69.09
<b>PARKS AND RECREATION BOARD</b> .....	23
<b>PEACE OFFICERS</b>	
Failure to Assist.....	41.04
Interference with.....	41.06
Obedience to.....	60.07
Powers and Authority under Traffic Code .....	60
Qualifications .....	30.03
Removal of an Officer's Communication or Control Device.....	41.07
Training.....	30.04
<i>See also</i> <b>POLICE DEPARTMENT</b> .....	30
<b>PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS</b> .....	122
<i>See also</i> <b>MOBILE FOOD VENDORS</b> .....	124
<b>PEDESTRIANS</b> .....	67
<i>See also:</i>	
Crosswalks .....	61.02
State Code Traffic Regulations .....	62.01
Yield to Pedestrians in Crosswalks.....	65.06
<b>PENALTIES</b>	
Abatement of Violation of Sewer Connection Requirements .....	96.09
Additional Penalties – Cigarette and Tobacco Permits.....	121.07
Curfew Violations .....	46.01(6)
Municipal Infractions.....	3

	CHAPTER OR SECTION NUMBER
<b>PENALTIES (continued)</b>	
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
<b>PERMITS</b>	
Beer and Wine.....	120
Building .....	165.25
Cigarette and Tobacco .....	121.02
Driveways and Street Curbs.....	141.02
Fireworks .....	41.14
Floodplain Development.....	160.04(2)
House Mover.....	123.02
Mobile Food Vendors .....	124.02
On-Site Wastewater System.....	98.04
Open Burning .....	105.05
Open Dumping .....	105.08
Parade .....	60.08(2)
Parking.....	69.12
Persons with Disabilities Parking.....	69.07
Regulated Substances in Construction.....	148.04
Rental Property.....	161.03
Sidewalks .....	136.07
Street Excavation.....	135.09(1)
Vehicles, Excess Size and Weight.....	66.02
Vending Machines and Sales Stands on Sidewalks.....	136.19
<i>See also</i> Issuance of Licenses and Permits .....	18.10
<i>See also</i> <b>LICENSES</b>	
<b>PERSONAL INJURIES</b> .....	1.05
<b>PET AWARDS PROHIBITED</b> .....	55.16
<b>PLANNING AND ZONING COMMISSION</b> .....	22
<b>PLAY STREETS</b> .....	62.02
<i>See also</i> Playing in Streets.....	135.04
<b>POLICE DEPARTMENT</b> .....	30
<b>POLLUTION</b>	
Air Pollution.....	50.02(8)
Environmental Violations .....	3.02
Hazardous Substance Spills .....	36
Incinerators Required.....	105.11
Open Burning Restricted.....	105.05
Prohibited Discharges to Public Sewer.....	97.03

	CHAPTER OR SECTION NUMBER
<b>POLLUTION (continued)</b>	
Restricted Discharges to Sewer System.....	97.04
Toxic and Hazardous Wastes .....	105.09
Water Pollution.....	50.02(4)
<b>POWERS AND DUTIES</b>	
City Clerk.....	18.02
City Council .....	17.02 and 17.03
City Officers Generally.....	2.03
Fire Chief .....	35.07
Mayor.....	15.02
Mayor Pro Tem .....	16.02
Municipal Officers.....	5.03
Police Chief.....	30.07
<b>PRIVATE PROPERTY .....</b>	<b>42</b>
<b>PRIVATE WATER SYSTEMS (SEWER CHARGES).....</b>	<b>99.03</b>
<b>PROPERTY TAX EXEMPTIONS.....</b>	<b>8</b>
<b>PUBLIC AND PRIVATE PROPERTY</b>	
Criminal Mischief.....	42.02
Damage to Sewer System .....	95.04(1)
Defacing Proclamations or Notices .....	42.03
Fraud.....	42.05
Injury to Library Books or Property .....	21.10
Littering Prohibited.....	105.07
Open Dumping .....	105.08
Park Regulations.....	47
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
<b>PUBLIC HEALTH AND SAFETY .....</b>	<b>41</b>
<b>PUBLIC NOTICES.....</b>	<b>18.05(1)</b>
<b>PUBLIC OFFENSES</b>	
Drug Paraphernalia .....	43
Littering Prohibited.....	105.07
Open Dumping .....	105.08

	CHAPTER OR SECTION NUMBER
<b>PUBLIC OFFENSES (continued)</b>	
Public and Private Property.....	42
Public Health and Safety.....	41
Public Peace .....	40
<i>See also</i> <b>SIDEWALK REGULATIONS</b> .....	136
<i>See also</i> <b>STREET EXCAVATIONS</b> .....	135
<b>PUBLICATION REQUIREMENTS</b> .....	18.05
<b>RABIES VACCINATION</b> .....	55.10
<b>RECORDS</b>	
Accounting .....	7.07
Fire Department.....	35.07(12)
Maintenance by Clerk .....	18.08
Minutes of Council Meetings .....	5.06(3)
Public Records, Access to.....	5.04
Transfer to Successors .....	5.05
<b>REGULATED SUBSTANCES IN CONSTRUCTION</b> .....	148
<b>REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES</b> .....	5.09
<b>RENTAL PROPERTY</b> .....	161
<b>RESIGNATION OF ELECTED OFFICERS</b> .....	5.08
<b>RIGHT TO ENTER</b>	
Reading Gas Meter .....	110.06
Sewer Service Inspection and Sampling .....	95.07
Solid Waste Collection .....	106.06
Use of Easements .....	95.08
Warrants.....	1.12
Water Meter Service .....	91.08
<b>SANITARY SEWER SYSTEM</b>	
Building Sewers and Connection Requirements .....	96
General Provisions.....	95
On-Site Wastewater Systems .....	98
Sewer Service Charges .....	99
Use of Public Sewers .....	97
<b>SEWER RATES</b> .....	99
<b>SIDEWALKS</b>	
Barricades and Warning Lights .....	136.09
Bicycles on Sidewalks .....	76.08
Construction Standards .....	136.08
Debris on.....	136.17
Defacing.....	136.16

---

CHAPTER OR SECTION  
NUMBER

---

Encroaching Steps ..... 136.13

	CHAPTER OR SECTION NUMBER
<b>SIDEWALKS (continued)</b>	
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 .....	65.04
Vehicles on Sidewalks .....	62.03
<b>SKATES, COASTERS AND TOY VEHICLES</b>	
Clinging to Vehicle .....	62.04
<b>SNOW REMOVAL</b>	
From Sidewalks .....	136.03
From Streets .....	135.12
Parking .....	69.10
<b>SNOWMOBILES AND ALL-TERRAIN VEHICLES .....</b>	<b>75</b>
<b>SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS .....</b>	<b>122</b>
<b>SOLID WASTE CONTROL</b>	
Collection .....	106
General Provisions .....	105
<i>See also</i> Restricted Discharges to Sewer System .....	97.04
<b>SPEED REGULATIONS .....</b>	<b>63</b>
<i>See also</i> <b>CONTROLLED ACCESS FACILITIES .....</b>	<b>140.07</b>
<b>STATE CODE TRAFFIC REGULATIONS .....</b>	<b>62.01</b>
<b>STOP OR YIELD REQUIRED .....</b>	<b>65</b>
<b>STORM WATER</b>	
Discharge to Sanitary Sewer Prohibited .....	95.04(2) and 97.01
Surface Water Exception .....	97.02
<b>STREET NAME MAP .....</b>	<b>139.04 and 139.05</b>
<b>STREETS AND ALLEYS</b>	
Billboards and Signs Obstructing View .....	50.02(6)
Blocking Public and Private Ways .....	50.02(5)
Excavations and Maintenance .....	135
Grades .....	138
Naming .....	139
Obstructing Use of Streets .....	40.03(7)
Vacation and Disposal .....	137

	CHAPTER OR SECTION NUMBER
<i>See also</i> <b>TRAFFIC CODE</b>	
<b>SUBDIVISION REGULATIONS</b> .....	170
<b>TAX EXEMPTIONS</b>	
Industrial Property .....	8
<b>TERMS OF OFFICE</b>	
Clerk .....	18.01
Council.....	2.04 and 17.01
Mayor.....	2.05 and 15.01
Treasurer .....	19.01
<b>THEFT</b>	
Library Property .....	21.11
Public and Private Property.....	42.06
<b>TOBACCO PERMITS</b> .....	121
<b>TOXIC AND HAZARDOUS WASTE</b> .....	105.09
<b>TRAFFIC CODE</b>	
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
<b>TRAFFIC CONTROL DEVICES</b>	
Installation; Standards; Compliance .....	61
Traveling on Barricaded Street or Alley.....	135.05
<b>TRAFFIC REGULATIONS</b> .....	62.01
<b>TRANSIENT MERCHANTS, PEDDLERS, AND SOLICITORS</b> .....	122
<b>TREASURER</b> .....	19
<b>TREES</b>	
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



	CHAPTER OR SECTION NUMBER
<b>TREES (continued)</b>	
Open Burning Restrictions .....	105.05
Planting Restrictions .....	151.02
Trimming Trees to be Supervised .....	151.04
Yard Waste.....	105.06
<b>TRESPASSING.....</b>	42.01
<b>TRUCK PARKING LIMITED.....</b>	69.09
<b>TRUCKS PROHIBITED – MAIN STREET.....</b>	66.03
<b>TURNING REGULATIONS .....</b>	64
<b>UNAUTHORIZED ENTRY .....</b>	42.04
<b>UNLAWFUL ASSEMBLY .....</b>	40.04
<b>URBAN RENEWAL .....</b>	9
<b>URBAN REVITALIZATION AREA .....</b>	10
<b>URINATING AND DEFECATING IN PUBLIC.....</b>	41.13
<b>UTILITIES</b>	
Electric Utility Board of Trustees .....	24
Natural Gas .....	110
Sewer Service System.....	95 - 99
Water Service System.....	90 - 92
<b>U-TURNS .....</b>	64.02
<b>VACANCIES IN OFFICE .....</b>	5.10
<b>VACATING STREETS OR ALLEYS .....</b>	137
<b>VETO</b>	
Council May Override .....	17.03
Mayor’s Authority .....	15.02(4)
<b>VICIOUS ANIMALS.....</b>	57
<b>VIOLATIONS</b>	
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
<b>WARRANTS.....</b>	1.12
<b>WASTE STORAGE CONTAINERS .....</b>	105.10

---

	CHAPTER OR SECTION NUMBER
<b>WASTEWATER SYSTEMS, ON-SITE</b> .....	98
<b>WATER POLLUTION</b> .....	50.02(4)
<b>WATER SERVICE SYSTEM</b>	
Connections; General Regulations .....	90
Meters .....	91
Rates .....	92
<b>WEAPONS</b>	
Discharging Weapons in City Limits.....	41.11
Taking Weapons During Arrest.....	30.10
Throwing and Shooting.....	41.12
<b>WEEDS AND BRUSH</b> .....	50.02(9)
<b>WINE</b>	
<i>See</i> <b>ALCOHOL</b>	
<b>YARD REQUIREMENTS</b>	
<i>See</i> <b>ZONING</b> .....	165
<b>YARD WASTE</b> .....	105.06
<b>YIELD REQUIRED</b> .....	65
<b>ZONING REGULATIONS</b> .....	165

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# CODE OF ORDINANCES OF THE CITY OF MAPLETON, IOWA

*Adopted April 13, 2016, by Ordinance No. 429*

## SUPPLEMENT RECORD

SUPPLEMENT		ORDINANCES AMENDING CODE		
Supp. No.	Repeals, Amends or Adds	Ord. No.	Date	Subject
Nov-16	106.08(1)	430	6-8-16	Solid Waste Collection Fees
	Ch. 25	431	8-10-16	Airport Commission
Feb-17	92.02	432	2-8-17	Water Rates
	99.01	433	2-8-17	Sewer Rates
Apr-17	106.08(1)	434	4-12-17	Solid Waste Collection Fees
Jul-17	55.06	435	7-12-17	At Large Prohibited
Nov-17	106.08(1)	436	9-13-17	Solid Waste Collection Fees
	69.08(16)	437	9-13-17	No Parking Zone
	Ch. 165	438	11-8-17	Rezoning from C-1 to R-1
Mar-18	50.02(13-15)	439	3-14-18	Nuisances Enumerated
Apr-18	Ch. 165	440	4-11-18	Rezoning from R-1 to C-1
Jul-18	68.01	441	7-11-18	One-Way Traffic Required
	106.08(1)	442	7-11-18	Collection Fees
Aug-18	41.14	443	8-8-18	Fireworks
	66.03	444	8-8-18	Trucks Prohibited – Main Street
	47.08	445	8-8-18	Picnic Tables
Oct-18	69.08	446	9-12-18	No Parking Zones
	21.02; 21.03	447	9-12-18	Qualifications of Trustees
	69.08	448	10-10-18	No Parking Zones
Nov-18	70.03	449	11-14-18	Parking Violations: Alternate
Jan-19	66.03	450	1-9-19	Trucks Prohibited – Main Street
Aug-19	Ch. 65	451	8-14-19	Stop or Yield Required
	Ch. 50	452	8-14-19	Nuisance Abatement Procedure
Mar-20	65.01(48); 65.03(4-5)	453	3-11-20	Stop and Yield Required
Apr-20	7.05	454	4-7-20	Operating Budget Preparation
	5.07(10-12)	455	4-7-20	Conflict of Interest
	106.08(1)	456	4-7-20	Collection Fees
May-20	Ch. 165	457	5-13-20	Rezoning from C-2 to R-2
Aug-20	65.02(14)	458	8-12-20	Four-Way Stop Intersections
	69.09	459	8-12-20	Truck Parking Limited
Oct-20	165.19(3-5)	460	9-9-20	Fences
	1.14	461	10-14-20	Standard Penalty
	46.02; 121.07	462	10-14-20	Tobacco Use
	165.04(3); 165.04(3)(A); 165.04(3)(G)	463	10-14-20	Accessory Uses

**Place in the front of the Code of Ordinances along with the  
Adopting Ordinance and Table of Contents.**

## SUPPLEMENT RECORD

[illegible]

**Place in the front of the Code of Ordinances along with the Adopting Ordinance and Table of Contents.**

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Adopting Ordinance and Table of Contents.**

# CHAPTER 1

## CODE OF ORDINANCES

1.01 Title  
1.02 Definitions  
1.03 City Powers  
1.04 Indemnity  
1.05 Personal Injuries  
1.06 Rules of Construction  
1.07 Extension of Authority

1.08 Amendments  
1.09 Catchlines and Notes  
1.10 Altering Code  
1.11 Severability  
1.12 Warrants  
1.13 General Standards for Action  
1.14 Standard Penalty

**1.01 TITLE.** This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Mapleton, 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 Mapleton, Iowa.
3. “Clerk” means the city clerk of Mapleton, 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 Mapleton, Iowa.
6. “Council” means the city council of Mapleton, Iowa.
7. “County” means Monona County, Iowa.
8. “May” confers a power.
9. “Measure” means an ordinance, amendment, resolution or motion.
10. “Must” states a requirement.
11. “Occupant” or “tenant,” applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
12. “Ordinances” means the ordinances of the City of Mapleton, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
13. “Person” means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust or other legal entity,

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

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

15. “Shall” imposes a duty.

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

17. “State” means the State of Iowa.

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

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

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

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

*(Code of Iowa, Sec. 364.1)*

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

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



City, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in

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

*(Code of Iowa, Sec. 364.14)*

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

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

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

*(Code of Iowa, Sec. 380.2)*

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

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

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

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

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

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

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

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

*(Ord. 461 – Oct. 20 Supp.)*

[The next page is 9]

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<sup>†</sup> **EDITOR'S NOTE:** For civil penalty for violations of this Code of Ordinances, see Chapter 3.



## CHAPTER 2

# CHARTER

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

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

**2.01 TITLE.** This chapter may be cited as the charter of the City of Mapleton, Iowa.<sup>†</sup>

**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)*

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<sup>†</sup> **EDITOR'S NOTE:** Ordinance No. 254 adopting a charter for the City was passed and approved by the Council on March 28, 1973.

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## CHAPTER 3

# MUNICIPAL INFRACTIONS

3.01 Municipal Infraction  
3.02 Environmental Violation  
3.03 Penalties

3.04 Civil Citations  
3.05 Alternative Relief  
3.06 Alternative Penalties

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

*(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.
  - A. First offense – not to exceed \$750.00
  - B. Each repeat offense – not to exceed \$1,000.00

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

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

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<sup>†</sup> **EDITOR'S NOTE:** For criminal penalty for violations of this Code of Ordinances, see Section 1.14.

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

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

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

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

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

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

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

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



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

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

[The next page is 21]

## CHAPTER 5

# OPERATING PROCEDURES

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

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

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

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

*(Code of Iowa, Sec. 63.1)*

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

*(Code of Iowa, Sec. 63.10)*

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

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

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

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

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

*(Code of Iowa, Sec. 64.13)*

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

*(Code of Iowa, Sec. 64.19)*

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

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

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

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

**5.03 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. Definitions. The following terms are defined for use in this section.
  - A. “Closed session” means a meeting to which all members of the public do not have access as allowed by Section 21.5 of the *Code of Iowa*.
  - B. “Hybrid meeting” means a meeting involving both remote participation and in-person participation by members.  
*(Code of Iowa, Sec. 21.8(4)(a))*
  - C. “Open session” means a meeting to which all members of the public have access.  
*(Code of Iowa, Sec. 21.2(3))*
  - D. “Remote participation” means real-time participation by a remotely located individual in a meeting which is being held in a different physical location using integrated audio, video, and other digital tools.  
*(Code of Iowa, Sec. 21.8(4)(b))*
  - E. “Reasonable notice” means advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if not such office exists, at the building in which the meeting is to be held.  
*(Code of Iowa, Sec. 21.4(1))*

F. “Teleconference participation” means participation using audio conference tools involving multiple participants in at least two separate locations.

*(Code of Iowa, Sec. 21.8(4)(c))*

G. “Virtual meeting” means a meeting involving real-time interaction using integrated audio, video, and other digital tools, in which participants do not share a physical location.

*(Code of Iowa, Sec. 21.8(4)(d))*

2. Notice of Meetings. Reasonable notice of the time, date, and place of each meeting and its tentative agenda shall be given.

*(Code of Iowa, Sec. 21.4)*

3. 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)*

4. 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)*

5. 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)*

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

*(Code of Iowa, Sec. 21.7)*

7. Electronic Meetings. A governmental body shall provide for hybrid meetings, teleconference participation, virtual meetings, remote participation, and other hybrid options for the members of the governmental body to participate in official meetings. A governmental body conducting a meeting pursuant to this subsection shall comply with all of the provisions of Chapter 21 of the *Code of Iowa*.

*(Code of Iowa, Sec. 21.8)*

***(Section 5.06 – Ord. 487 – Feb. 25 Supp.)***

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

*(Code of Iowa, Sec. 362.5)*

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

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

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

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

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

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

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

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(Subsections 10-12 – Ord. 455 – Apr. 20 Supp.)*

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

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

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

*(Code of Iowa, Sec. 372.15)*

**5.10 VACANCIES.** A vacancy in an elective City office during a term of office shall be filled 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 29]



## CHAPTER 6

### CITY ELECTIONS

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

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

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

*(Code of Iowa, Sec. 376.3)*

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

*(Code of Iowa, Sec. 45.1)*

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

*(Code of Iowa, Sec. 45.2)*

**6.04 PREPARATION OF PETITION AND AFFIDAVIT.** 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 & 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 35]

## CHAPTER 7

# FISCAL MANAGEMENT

7.01 Purpose  
7.02 Finance Officer  
7.03 Cash Control  
7.04 Fund Control

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Capital Improvements Reserve Fund. Except where specifically prohibited by State law, moneys may be transferred from any City fund to the Capital Improvements

Reserve Fund. Such transfers must be authorized by the original budget or a budget amendment.

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

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

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

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

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

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

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

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

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

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

4. Annual Statement.

*(Code of Iowa, Sec. 24.2A(2))*

A. On or before 4:00 p.m. on March 5 of each year, the City shall file, with the Department of Management, a report containing all necessary information for the Department of Management to compile and calculate amounts required to be included in the statement mailed under Paragraph B.

B. Not later than March 15, the County Auditor, using information compiled and calculated by the Department of Management shall send to each property owner or taxpayer within the County, by regular mail, an individual statement containing all of the required information as provided under Section 24.2A(2)(b)(1-10) of the *Code of Iowa*.

C. The Department of Management shall prescribe the form for the report required under Paragraph A, the statements to be mailed under Paragraph B, and the public hearing notice required under Paragraph D.

D. The Council shall set a time and place for a public hearing on the City's proposed property tax amount for the budget year and the City's information included in the statements under Paragraph B. The proposed property tax hearing shall be set on a date on or after March 20 of the budget year immediately preceding the budget year for which the tax is being proposed. At the hearing, the Council shall receive oral or written testimony from any resident or property owner of the City. This public hearing shall be separate from any other meeting of the Council, including any other meeting or public hearing relating to the City's budget, and other business of the City that is not related to the proposed property tax amounts and the information in the statements shall not be conducted at the public hearing. After all testimony has been received and considered, the governing body may decrease, but not increase, the proposed property tax amount to be included in the City's budget.

(1) Notice of the public hearing shall be published 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. However, if the City has a population of 200 or less, publication may be made by posting in three public places in the City.

(2) Notice of the hearing shall also be posted and clearly identified on the City's internet site for public viewing beginning on the date of the newspaper publication and shall be maintained on the City's internet site with all such prior year notices.

(3) 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 a date no later than the date of publication of the notice.

(4) Failure of a newspaper to publish a required notice under this paragraph shall not be considered a failure of a political subdivision to provide required notice under this paragraph if all of the following conditions are met:

a. Notice of the public hearing was provided to each property owner and each taxpayer within the political subdivision in statements required under Section 24.2A(2)(b) of the *Code of Iowa*.

b. The political subdivision can demonstrate to the County Auditor that the political subdivision provided sufficient time for the newspaper to publish the notice.

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 the requirements, of Subsection 4 of this section, are completed, the Council shall set a time and place for public hearing on the budget to be held before April 30 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 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, unless an additional tax levy is approved at a City election. 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))*

*(Section 7.05 – Ord. 486 – Feb. 25 Supp.)*

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

*(Code of Iowa, Sec. 384.18)*

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

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

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

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

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

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

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

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

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

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

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

3. Checks. Checks shall be prenumbered and signed in accordance with the check signing policy established by resolution of the Council, following Council approval, except as provided by Subsection 5 hereof.

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

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

6. Utilities. The finance officer shall perform and be responsible for accounting functions of the municipally owned utilities, including those utilities under the control and management of the Electric Utility Board of Trustees.

**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. The Annual Financial Report shall be prepared on forms and pursuant to instructions prescribed by the Auditor of State. Beginning with the Annual Financial Report published by December 1, 2025, each report shall include a list of bonds, notes, or other obligations issued by the City during the most recently completed fiscal year, and the applicable lists for other fiscal years beginning on or after July 1, 2024, for which obligations remain unpaid, payable from any source, including the amount of the issuance, the project or purpose of the issuance, whether the issuance was approved at election, eligible to be subject to a petition for an election, or was exempt from approval at election as the result of statutory exclusions based on population of the City or amount of the issuance, and identification of issuances from the fiscal year or prior fiscal years related to the same project or purpose.

*(Code of Iowa, Sec. 384.22)*

*(Section 7.08 – Ord. 486 – Feb. 25 Supp.)*

[The next page is 45]



## CHAPTER 8

# INDUSTRIAL PROPERTY TAX EXEMPTIONS

### 8.01 Purpose

### 8.02 Definitions

### 8.03 Period of Partial Exemption

### 8.04 Amounts Eligible for Exemption

### 8.05 Limitations

### 8.06 Applications

### 8.07 Approval

### 8.08 Exemption Repealed

### 8.09 Dual Exemptions Prohibited

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**CHAPTER 9**  
**URBAN RENEWAL**

EDITOR'S NOTE		
The following ordinances, not codified herein and specifically saved from repeal, have been adopted establishing Urban Renewal Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
346	December 29, 1992	Mapleton Urban Renewal Area
355	April 10, 1996	Amendment #1 Area
358	November 20, 1996	Mapleton Urban Renewal Area No. II

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**CHAPTER 10**  
**URBAN REVITALIZATION**

**EDITOR'S NOTE**

Ordinance No. 413, adopted September 14, 2011, designated the Mapleton Urban Revitalization District for the City. This ordinance, not codified herein, is specifically saved from repeal.

[The next page is 71]

## CHAPTER 15

### MAYOR

15.01 Term of Office  
15.02 Powers and Duties  
15.03 Appointments

15.04 Compensation  
15.05 Voting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Licenses and Permits. Sign all licenses and permits that have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.
10. Nuisances. Issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable.
11. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

**15.03 APPOINTMENTS.** The Mayor shall appoint the Mayor Pro Tem and the Mayor also appoints, with Council approval, the following officials:

*(Code of Iowa, Sec. 372.4)*

1. Library Board of Trustees
2. Parks and Recreation Board
3. Utility Board of Trustees
4. Municipal Airport Commission
5. Police Chief

**15.04 COMPENSATION.** The salary of the Mayor is \$3,600.00 per year.

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

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

*(Code of Iowa, Sec. 372.4)*



## CHAPTER 16

### MAYOR PRO TEM

**16.01 Vice President of Council**  
**16.02 Powers and Duties**

**16.03 Voting Rights**  
**16.04 Compensation**

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

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

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

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

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

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

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

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

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## CHAPTER 17

### CITY COUNCIL

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

17.04 Council Meetings  
17.05 Appointments  
17.06 Compensation

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

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

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 26.10)*

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 380.4)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. City Clerk
2. City Attorney
3. Planning and Zoning Commission

**17.06 COMPENSATION.** The salary of each Council member is \$50.00 for each meeting of the Council attended.<sup>†</sup>  
*(Ord. 482 – Feb. 25 Supp.)*

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<sup>†</sup> **EDITOR'S NOTE:** Ordinance No. 482 amended Council compensation effective January 1, 2026. Prior to the adoption of Ordinance No. 482 Council compensation was \$40.00 per meeting attended.

[The next page is 83]

## CHAPTER 18

### CITY CLERK

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

18.08 Records  
18.09 Attendance at Meetings  
18.10 Licenses and Permits  
18.11 Notification of Appointments  
18.12 Elections  
18.13 City Seal

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

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

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

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

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

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

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

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

1. Time. If notice of an election, hearing, or other official action is required by this Code of Ordinances or law, the notice must be published at least once, not less than four (4) or more than twenty (20) days before the date of the election, hearing, or other action, unless otherwise provided by law.

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

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

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

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

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

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

*(Code of Iowa, Sec. 380.11)*

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

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

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

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

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

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

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

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

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

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

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

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

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

**18.10 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 "Mapleton, Iowa," and around the margin of which are the words "City Seal."

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## CHAPTER 19

### CITY TREASURER

**19.01 Appointment**  
**19.02 Compensation**

**19.03 Duties of Treasurer**

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

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

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

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

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## CHAPTER 20

### CITY ATTORNEY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## CHAPTER 21

### LIBRARY BOARD OF TRUSTEES

21.01 Public Library  
21.02 Library Trustees  
21.03 Qualifications of Trustees  
21.04 Organization of the Board  
21.05 Powers and Duties  
21.06 Contracting with Other Libraries

21.07 Nonresident Use  
21.08 Expenditures  
21.09 Annual Report  
21.10 Injury to Books or Property  
21.11 Theft  
21.12 Notice Posted

**21.01 PUBLIC LIBRARY.** The public library for the City is known as the Fisher-Whiting Memorial 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, shall be filled by appointment by the Mayor, by and with approval of the City Council. Vacancies shall fill out the unexpired term for which appointment is made.

*(Ord. 447 – Oct. 18 Supp.)*

**21.03 QUALIFICATIONS OF TRUSTEES.** All bona fide citizens and residents of the City of Mapleton, male or female, eighteen (18) years of age or over, are alone eligible for membership, except the Board may have one (1) non-resident Trustee Board Member.

*(Ord. 447 – Oct. 18 Supp.)*

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

**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 President, a Secretary, and such other officers as it deems necessary.
2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.

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

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

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

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

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

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

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

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

*(Code of Iowa, Ch. 661)*

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

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

**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 & Ch. 28E)*

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

2. 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 97]

## CHAPTER 22

### PLANNING AND ZONING COMMISSION

22.01 Planning and Zoning Commission  
22.02 Term of Office  
22.03 Vacancies

22.04 Compensation  
22.05 Powers and Duties

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

*(Code of Iowa, Sec. 414.6 & 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)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 414.6)*

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

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

6. 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)*

7. 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)*

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

*(Code of Iowa, Sec. 392.1)*

[The next page is 101]

## CHAPTER 23

### PARKS AND RECREATION BOARD

23.01 Parks and Recreation Board Created  
23.02 Board Organization  
23.03 Duties of the Board

23.04 Reports  
23.05 Rules

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

**23.02 BOARD ORGANIZATION.** The Board shall consist of four (4) members, all residents of the City, appointed by the Mayor with the approval of the Council, for indefinite terms of office. The Board shall annually choose from its membership a Chairperson, Vice Chairperson, and Secretary. Members shall serve without compensation, but may receive reimbursement for expenses incurred in the performance of their duties. Vacancies shall be filled in the same manner as the original appointment for the balance of the term.

**23.03 DUTIES OF THE BOARD.** In addition to its duty to make a plan for recreation and for the facilities for recreation, and to update and revise these plans as required, the Board has authority over the properties and personnel devoted to parks and recreation, subject to the limitation of expenditures for salaries and supplies, contracts and capital outlays set forth in the annual budget provided by the Council for parks and recreation operations. The Board shall cooperate with the Mayor in the allotment of time of City employees for parks and recreation purposes. The Chairperson shall order supplies by the procedures established by the Council for all departments of the City, and payment will be made by check written by the Clerk for invoices submitted and approved by the Board.

**23.04 REPORTS.** The Board shall make written reports to the Council of its activities from time to time as it deems advisable, or upon Council request. Its revenues and expenditures shall be reported monthly by the Clerk in the manner of other departmental expenditures, and a copy shall be provided to each member of the Board and in the Clerk's report to the Council.

**23.05 RULES.** The Board has the power to make rules and regulations for the use of parks or other recreational facilities or for the conduct of recreation programs, subject to the approval of the rules by the Council. Such rules shall be either posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public. Violation of a rule or regulation so posted or publicized may be cause for denial of use of the facility or if it is a violation of this Code of Ordinances may be prosecuted as a simple misdemeanor.

[The next page is 115]

## CHAPTER 24

### UTILITY BOARD OF TRUSTEES

24.01 Purpose  
24.02 Board Established  
24.03 Appointment of Trustees  
24.04 Compensation  
24.05 Vacancies

24.06 Powers and Duties of the Board  
24.07 Control of Funds  
24.08 Accounting  
24.09 Discriminatory Rates Illegal  
24.10 Discontinuance of Board

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

**24.02 BOARD ESTABLISHED.** Pursuant to an election held November 3, 1981, the management and control of the municipally owned Electric Utility were placed in the hands of a Board of Trustees.

*(Code of Iowa, Sec. 388.2)*

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

*(Code of Iowa, Sec. 388.3)*

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

*(Code of Iowa, Sec. 388.3)*

**24.05 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)*

**24.06 POWERS AND DUTIES OF THE BOARD.** The Board of Trustees may exercise all powers of the City in relation to the City Utility, with the following exceptions:

*(Code of Iowa, Sec. 388.4)*

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

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

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

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

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

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

4. Proceedings Published. Immediately following a regular or special meeting, the Board Secretary shall prepare and cause to be published in a newspaper of general

circulation in the City a condensed statement of proceedings including a list of all claims.

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

**24.07 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)*

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

*(Code of Iowa, Sec. 388.5)*

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

*(Code of Iowa, Sec. 388.6)*

**24.10 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 119]



**CHAPTER 25**  
**MUNICIPAL AIRPORT COMMISSION**

**(Repealed by Ord. 431 – Nov. 16 Supp.)**

[The next page is 123]

## CHAPTER 26

### HOUSING STEERING COMMITTEE

**26.01 Membership, Appointment, Term and Compensation**  
**26.02 Vacancies – Replacement/Removal**

**26.03 Duties and Responsibilities**  
**26.04 Meetings, Officers, Records and Quorum**

#### **26.01 MEMBERSHIP, APPOINTMENT, TERM AND COMPENSATION.**

1. There is created a Housing Steering/Advisory Committee for the City, hereinafter referred to as the Committee. The initial membership of the Committee shall be comprised of the Mapleton Community Development Corporation (MCDC). In the event the MCDC no longer desires to serve as the Committee, or ceases to exist, the Committee shall then consist of seven (7) to ten (10) members who shall be appointed and confirmed by a vote of the City Council.
2. The Committee shall consist of members of the community who either live or work within the boundary of the City or near the boundary. Appointed Committee members, if any, should include elected City officials, City staff, housing industry representatives, nonprofit organization representatives with a housing mission, major employer representatives, and community members with interest in housing.
3. Appointed members shall serve for a period of 6 years with terms.
4. Appointed members shall serve without compensation.

**26.02 VACANCIES – REPLACEMENT/REMOVAL.** Appointed members may be replaced if a vacancy occurs either due to resignation or excessive consecutive unexcused absences.

**26.03 DUTIES AND RESPONSIBILITIES.** The Committee is established for the following purposes:

1. To serve as a planning and advisory committee.
2. Provide advice and/or recommendations to the City Council, City staff or other appropriate groups.
3. As directed by the City Council, assist with advising on housing.
4. Provide a report to the City Council on the Committee's work annually.

#### **26.04 MEETINGS, OFFICERS, RECORDS AND QUORUM.**

1. The Committee shall meet as necessary and generally shall establish a regular meeting schedule and announce the specific day and time the Committee will conduct its regular meetings in compliance with the open meetings law.
2. A majority of the members servicing on the Committee shall constitute a quorum.
3. At the first regular meeting, the Committee shall select from its members a chair and vice chair for a term of one year (or other number per usual practice).

4. The Committee shall provide public notice of the meeting and shall keep record of its meeting minutes. Minutes shall include a record of attendance and any formal actions taken by the Committee, and be made available to the public per open records law.

*(Ch. 26 – Ord. 470 – Jun. 21 Supp.)*

[The next page is 145]

## CHAPTER 30

# POLICE DEPARTMENT

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

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

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

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

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

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

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

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

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

**30.06 POLICE CHIEF APPOINTED.** The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council.

*(Code of Iowa, Sec. 372.4)*

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

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

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

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

*(Code of Iowa, Sec. 321.266)*

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 804.17)*

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

*(Code of Iowa, Sec. 804.18)*

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

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

[The next page is 151]

## CHAPTER 35

# FIRE DEPARTMENT

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

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

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

*(Code of Iowa, Sec. 364.16)*

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

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

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 102.2)*

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

*(Code of Iowa, Sec. 102.2)*

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

*(Code of Iowa, Sec. 102.3)*

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

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

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

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

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

*(Code of Iowa, Sec. 100.12)*

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

*(Code of Iowa, Sec. 100.13)*

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

*(Code of Iowa, Sec. 100.4)*



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

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

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

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

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

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

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

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

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

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

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

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

**35.14 AUTHORITY TO CITE VIOLATIONS.** Fire officials acting under the authority of Chapter 10A, Subchapter V, Part 2 of the *Code of Iowa*, may issue citations in accordance with Chapter 805 of the *Code of Iowa*, for violations of Chapter 10A, Subchapter V, Part 2 of the *Code of Iowa* or a violation of a local fire safety code. *(Ord. 488 – Feb. 25 Supp.)*

*(Code of Iowa, Sec. 100.41)*

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## CHAPTER 36

# HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose  
36.02 Definitions  
36.03 Cleanup Required  
36.04 Liability for Cleanup Costs

36.05 Notifications  
36.06 Police Authority  
36.07 Liability

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The reasonable cleanup costs incurred by the City or the agents of the City as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.
2. The reasonable costs incurred by the City or the agents of the City to evacuate people from the area threatened by a hazardous condition caused by the person.
3. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.
4. The excessive and extraordinary cost incurred by the City or the agents of the City in responding at and to the scene of a hazardous condition caused by that person.

**36.05 NOTIFICATIONS.**

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Police Chief of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Police Chief shall immediately notify the Department of Natural Resources.
2. Any other person who discovers a hazardous condition shall notify the Police Chief, who shall then notify the Department of Natural Resources.

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

1. Evacuate persons from their homes to areas away from the site of a hazardous condition; and
2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

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

**36.07 LIABILITY.** The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 36.02(4).

[The next page is 185]

## CHAPTER 40

### PUBLIC PEACE

40.01 Assault

40.02 Harassment

40.03 Disorderly Conduct

40.04 Unlawful Assembly

40.05 Failure to Disperse

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

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

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

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

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

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

*(Code of Iowa, Sec. 708.1)*

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

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

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

*(Code of Iowa, Sec. 708.7)*

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

*(Code of Iowa, Sec. 708.7)*

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

*(Code of Iowa, Sec. 708.7)*

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

*(Code of Iowa, Sec. 708.7)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 723.5)*

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

*(Code of Iowa, Sec. 723.2)*

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

*(Code of Iowa, Sec. 723.3)*

[The next page is 191]

## CHAPTER 41

### PUBLIC HEALTH AND SAFETY

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

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

*(Code of Iowa, Sec. 727.1)*

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

*(Code of Iowa, Sec. 718.6)*

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

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

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

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

*(Code of Iowa, Sec. 719.2)*

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

*(Code of Iowa, Sec. 718.4)*

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

*(Code of Iowa, Sec. 719.1)*

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

*(Code of Iowa, Sec. 708.12)*

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

*(Code of Iowa, Sec. 727.3)*

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

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

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

**41.11 DISCHARGING WEAPONS.**

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

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

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

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

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

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

1. Definitions. The sale, use or exploding of fireworks within the City is subject to the definitions enumerated in Iowa Code §727.2 and Iowa Code §100.19, which definitions are incorporated herein by reference.

*(Code of Iowa, Sec. 727.2 and 100.19)*

2. Sale of Fireworks. The sale of fireworks within the City limits shall be governed by Iowa State Code and applicable regulations.

3. Use of Fireworks. The use of fireworks shall be governed by Iowa State Code and applicable regulations and the following additional requirements:

A. No person under the age of eighteen (18) shall possess or discharge a consumer firework without parental supervision.

B. A person shall only discharge a consumer fireworks device on real property they own or on property where written consent has been given. Discharge of consumer fireworks in a public park, or City owned property, or on a public roadway, street, or alley is strictly prohibited. The possession of consumer fireworks in a public park is strictly prohibited.

C. Consumer fireworks shall not be possessed or discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic.

D. Any person discharging a consumer fireworks device assumes all responsibility for its operation and the consequences thereof. No person shall discharge a consumer fireworks device in a reckless manner or manner likely to cause death, injury, fire, or property damage.

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

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

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

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

- b. July 4 between the hours of 9:00 a.m. and 11:00 p.m.
- c. December 31 between the hours of 9:00 a.m. and 12:30 a.m. on the immediately following day.

(2) City Allowed Dates.

- a. June 27, 2025, between the hours of 9:00 a.m. and 10:00 p.m.
- b. June 28 and June 29, 2025, between the hours of 9:00 a.m. and 11:00 p.m.

*(Paragraph E – Ord. 489 – Jun. 25 Supp.)*

4. Commercial Display. The City may, upon application in writing, grant a permit for the display of fireworks on public property by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted herein unless the operator or sponsoring organization has filed with the City evidence of insurance as required by Iowa Code §727.2.

5. Declaration of Emergency and Suspension of the Discharge of Fireworks.

A. Whenever drought, high winds, or other natural phenomenon create, or are likely to create, hazardous conditions and increased chance of fire danger and the Fire Chief determines that adverse conditions exist for the use and exploding of fireworks, the Fire Chief, Mayor, or their designee, may issue a temporary ban on the use of fireworks within the City of Mapleton. The Fire Chief, Mayor, or their designee, shall have the authority to declare an emergency and temporarily halt the use and exploding of fireworks.

B. The Fire Chief, Mayor, or their designee, shall inform the area radio and television stations and the local press of the emergency declaration and when the emergency will be in effect and ask that public service announcements be made.

*(Section 41.14 – Ord. 443 – Aug. 18 Supp.)*

[The next page is 197]

## CHAPTER 42

# PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing

42.02 Criminal Mischief

42.03 Defacing Proclamations or Notices

42.04 Unauthorized Entry

42.05 Fraud

42.06 Theft

42.07 Other Public Property Offenses

### 42.01 TRESPASSING.

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

*(Code of Iowa, Sec. 716.8)*

2. Definitions. For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 716.1)*

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

*(Code of Iowa, Sec. 716.1)*

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



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

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

*(Code of Iowa, Sec. 714.8)*

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

*(Code of Iowa, Sec. 714.1)*

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

1. Chapter 21 – Library
  - A. Section 21.10 – Injury to Books or Property
  - B. Section 21.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control and Recycling
  - A. Section 105.07 – Littering Prohibited
  - B. Section 105.08 – Open Dumping Prohibited
3. Chapter 135 – Street Use and Maintenance
  - A. Section 135.01 – Removal of Warning Devices
  - B. Section 135.02 – Obstructing or Defacing
  - C. Section 135.03 – Placing Debris On
  - D. Section 135.04 – Playing In
  - E. Section 135.05 – Traveling on Barricaded Street or Alley
  - F. Section 135.08 – Burning Prohibited
  - G. Section 135.12 – Dumping of Snow
4. Chapter 136 – Sidewalk Regulations
  - A. Section 136.11 – Interference with Sidewalk Improvements
  - B. Section 136.15 – Fires or Fuel on Sidewalks
  - C. Section 136.16 – Defacing
  - D. Section 136.17 – Debris on Sidewalks
  - E. Section 136.18 – Merchandise Display
  - F. Section 136.19 – Sales Stands

[The next page is 203]

## CHAPTER 43

# DRUG PARAPHERNALIA

43.01 Purpose  
43.02 Controlled Substance Defined  
43.03 Drug Paraphernalia Defined

43.04 Determining Factors  
43.05 Possession of Drug Paraphernalia  
43.06 Manufacture, Delivery, or Offering For Sale

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

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

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

1. Growing Kits. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
2. Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
3. Isomerization Devices. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
4. Testing Equipment. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.
5. Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
6. Diluents. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting controlled substances.
7. Separators; Sifters. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.

8. Mixing Devices. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances.
9. Containers. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. Storage Containers. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. Injecting Devices. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
12. Ingesting-Inhaling Device. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:
  - A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
  - B. Water pipes;
  - C. Carburetion tubes and devices;
  - D. Smoking and carburetion masks;
  - E. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;
  - F. Miniature cocaine spoons and cocaine vials;
  - G. Chamber pipes;
  - H. Carburetor pipes;
  - I. Electric pipes;
  - J. Air driven pipes;
  - K. Chillums;
  - L. Bongs;
  - M. Ice pipes or chillers.

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

1. Statements. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior Convictions. Prior convictions, if any, of an owner or of anyone in control of the object under any State or federal law relating to any controlled substance.
3. Proximity to Violation. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the *Code of Iowa*.

4. Proximity to Substances. The proximity of the object to controlled substances.
5. Residue. The existence of any residue of controlled substances on the object.
6. Evidence of Intent. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object, to deliver it to persons 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*.

[The next page is 225]

## CHAPTER 45

# ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age  
45.02 Public Consumption or Intoxication

45.03 Open Containers in Motor Vehicles  
45.04 Social Host

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

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

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

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

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

*(Section 45.01 – Ord. 477 – Jul. 23 Supp.)*

## **45.02 PUBLIC CONSUMPTION OR INTOXICATION.**

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

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

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

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

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

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

*(Ord. 477 – Jul. 23 Supp.)*

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

*(Code of Iowa, Sec. 123.46)*

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

**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 liquor, wine, or beer. 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 liquor, wine, or beer in connection with a religious observance, ceremony, or rite.

*(Code of Iowa, Sec. 123.47[1A])*



## CHAPTER 46

### MINORS

#### 46.01 Curfew

#### 46.02 Cigarettes and Tobacco

#### 46.03 Contributing to Delinquency

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

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

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

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

2. Curfew Established. 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 11:00 p.m. and 6:00 a.m. of the following day.

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

A. The minor is accompanied by a responsible adult.

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

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

(1) Minor's place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling, within one 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.

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

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

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

5. Enforcement Procedures.

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

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

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

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

6. Penalties.

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

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

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

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

**46.02 CIGARETTES AND TOBACCO.** It is unlawful for any person under 21 years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco

products, alternative nicotine products, vapor products, or cigarettes by an individual under 21 years of age shall not constitute a violation of this section if the individual under 21 years of age possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products. *(Ord. 462 – Oct. 20 Supp.)*

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

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

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

[The next page is 235]

## CHAPTER 47

### PARK REGULATIONS

47.01 Purpose  
47.02 Use of Drives Required  
47.03 Fires  
47.04 Littering

47.05 Parks Closed  
47.06 Camping  
47.07 Athletic Fields  
47.08 Picnic Tables

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

*(Code of Iowa, Sec. 364.12)*

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

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

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

**47.05 PARKS CLOSED.** No person, except those camping in designated areas, shall enter or remain within any park between the hours of 11:00 p.m. and 6:00 a.m.

**47.06 CAMPING.** No person shall camp in any portion of a park except in portions prescribed or designated by the Council, and the City may refuse camping privileges or rescind any and all camping privileges for cause. Camping fees are \$15.00 per day.

**47.07 ATHLETIC FIELDS.** No pets are allowed on City athletic fields or in seating areas.

**47.08 PICNIC TABLES.** It is unlawful for any person to remove or relocate any picnic table, bench, seat or other table located within any City park. *(Ord. 445 – Aug. 18 Supp.)*

[The next page is 251]

## CHAPTER 50

### NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance  
50.02 Nuisances Enumerated  
50.03 Grass and Weeds  
50.04 Ground Cover Required  
50.05 Other Conditions

50.06 Nuisances Prohibited  
50.07 Nuisance Abatement  
50.08 Abatement of Nuisance by Written Notice  
50.09 Municipal Infraction Abatement Procedure  
50.10 Remedy Not Exclusive

**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 one thousand (1,000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
12. Houses of Ill Fame. Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the *Code of Iowa* or places resorted to by persons using controlled substances, as defined in Section 124.101 of the *Code of Iowa*, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.
13. Building Maintenance. Buildings with excessively peeling paint or other conditions suggestive of deterioration or inadequate maintenance. Exterior surfaces shall not have any holes or broken glass; loose, cracked, or damaged shingles or siding or other defects in the exterior finish which admit rain, cold air, dampness, rodents, insects or vermin. Basements, cellars and crawl spaces shall be free of standing water and hazards. All wood, including floorboards, subfloors, joists, bridging, roof rafters and sheathing, and all other wood in any interior or exterior floor, wall, roof or other part of the structure, shall be maintained to be free of cracks affecting structural integrity, termite damage, infestation or rot. Any and all damaged or deteriorating materials shall be replaced. If infestation exists in any basement, cellar or crawl space, such infestation shall be remedied in accordance with industry standards.
14. Household Goods and Machinery. Furniture, household furnishings, appliances or other such items not designed for outside use, or machinery, implements or other such equipment that is in an inoperable condition, including component parts thereof, stored or kept outside for a period of more than twenty-four (24) hours on any premises in a residential area, excluding the week prior to any City wide cleanup program.
15. Construction Equipment and Materials. Operable machinery, equipment and materials being used for construction purposes, including pipes, lumber, forms, dirt, sand and sod, stored or kept in the open, except:
  - A. For use in the ordinary course of business as the inventory or asset of a contractor, supplier or government subdivision; or
  - B. On the job site of a project in progress for a period not to exceed thirty (30) days after construction has been completed or a separate certificate of occupancy has been issued, whichever occurs first.

**50.03 GRASS AND WEEDS.** The maximum height of grass and/or weeds shall be six (6) inches in developed residential, commercial, and industrial zoned districts, twelve (12) inches in undeveloped residential, commercial, and industrial districts, and eighteen (18) inches in unplatted districts other than agricultural districts. The property owner and occupant are jointly and severally responsible for mowing and abutting space between the lot line and the



curb line or edge of the traveled portion of the street right-of-way and one-half of any alley abutting the property. A lot may be exempted from the foregoing provision on the following conditions:

1. All owners of property abutting such lot must consent to exemption in writing.
2. A firebreak thirty (30) feet in width on all sides of such lot shall be mowed to the height of not more than six (6) inches.
3. The lot shall contain no “noxious weeds” as defined in Section 317.1 of the *Code of Iowa*.
4. The property owners shall assume in writing all liability for such condition and indemnify the City for any claims or damages related thereto.

**50.04 GROUND COVER REQUIRED.** Property in a residential area shall be seeded, sodded, or otherwise planted with a ground cover. New construction and/or remodel shall have not more than thirty (30) days after construction is completed, unless impractical, but not later than the beginning of the next growing season.

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

1. Junk and Junk Vehicles (**See Chapter 51**)
2. Dangerous Buildings (**See Chapter 145**)
3. Storage and Disposal of Solid Waste (**See Chapter 105**)
4. Trees (**See Chapter 151**)
5. Placing Items on Public Right-of-Ways (**See Chapter 135**)
6. Zoning Regulations (**See Chapter 165**)

**50.06 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)*

**50.07 NUISANCE ABATEMENT.** Whenever the Mayor or 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 50.08 of this chapter or the municipal infraction procedure referred to in Section 50.09.

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

**50.08 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: <sup>†</sup>

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<sup>†</sup> **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,

- A. Description of Nuisance. A description of what constitutes the nuisance.
  - B. Location of Nuisance. The location of the nuisance.
  - C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
  - D. Reasonable Time. A reasonable time within which to complete the abatement.
  - E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.
2. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.  
*(Code of Iowa, Sec. 364.12[3h])*
3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.
4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The City shall assess the costs as provided in Subsection 6 of this section after notice to the property owner under the applicable provisions of Subsection 1 and 2, and the hearing as provided in Subsection 3.  
*(Code of Iowa, Sec. 364.12[3h])*
5. Abatement by City. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk, who shall pay such expenses on behalf of the City.  
*(Code of Iowa, Sec. 364.12[3h])*
6. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.  
*(Code of Iowa, Sec. 364.12[3h])*
7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds five hundred dollars (\$500.00), the City may permit

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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.

the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

*(Code of Iowa, Sec. 364.13)*

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

**50.09 MUNICIPAL INFRACTION ABATEMENT PROCEDURE.** In lieu of the abatement procedures set forth in Section 50.08, 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.

**50.10 REMEDY NOT EXCLUSIVE.** Nothing contained in this chapter shall be construed to limit City's remedies, and the Council may take action under appropriate State or Federal law without first using the procedures outlined in this chapter.

*(Ch. 50 – Ord. 452 – Aug. 19 Supp.)*

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## CHAPTER 51

# JUNK AND JUNK VEHICLES

### 51.01 Definitions

### 51.02 Junk and Junk Vehicles Prohibited

### 51.03 Junk and Junk Vehicles a Nuisance

### 51.04 Responsibility of Owners

### 51.05 Notice to Abate

### 51.06 Abatement of Junk Vehicles

### 51.07 Exceptions

### 51.08 Violation

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

1. “Junk” includes but is not limited to 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; tires, dismantled vehicles, machinery and appliances or parts of such vehicles; 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 that has any of the following characteristics:
  - A. Any vehicle that does not display required, current State or local registration.
  - B. Any vehicle that is incapable of being operated on a public street due to mechanical or physical condition, such as missing or inoperable components including, but not limited to, tires, wheels, body parts, or legally required exhaust systems.
  - C. Any vehicle that appears inoperable due to the presence of weeds, grass, volunteer trees that are in violation of Chapter 147.01 in the area immediately surrounding the vehicle.
  - D. Any vehicle that appears inoperable due to remaining in the same location and position for thirty (30) days or more.
  - E. Any vehicle that is the habitat of rodents, snakes, feral cats, insects, vermin, or other wild or nuisance animals.
  - F. Any vehicle that contains garbage, debris, combustibles, refuse, junk, or other similar materials.
3. “Vehicle” means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, 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, trailers, recreational vehicles (RVs), all-terrain vehicles (ATVs), boats, and construction equipment, or any combination thereof.
4. “Hobby vehicle” means an unlicensed motor vehicle, including but not limited to fully operational dragsters, stock cars, dune buggies, go-carts, or competition pulling trucks or farm tractors. For the purpose of this chapter, golf carts,

boat trailers, common utility trailers, camping trailers or snowmobile trailers are not considered hobby vehicles.

**51.02 JUNK AND JUNK VEHICLES PROHIBITED.** It is unlawful for any person to store, accumulate, or allow to remain on any public or 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, except as otherwise provided by this chapter, 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*.

**51.04 RESPONSIBILITY OF OWNERS.** The owner of any junk vehicle is prima facie responsible for the storing of such vehicle on public or private property in violation of this article. Any owner, occupant or person in possession of real property within the City upon which one or more junk vehicles or junk are found is prima facie responsible for permitting such storage or accumulation in violation of this article. No person shall be charged with more than one violation of this article for any one junk vehicle. The owner of junk vehicle and the owner of real estate upon which such junk vehicle or junk are found may both be charged.

**51.05 NOTICE TO ABATE.** Upon discovery of any junk or junk vehicle located upon private property, any officer or agent of the City having authority or responsibility for enforcement of this Code may initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

**51.06 ABATEMENT OF JUNK VEHICLES.** Any junk vehicle abated pursuant to this Code of Ordinances shall be towed to a place of safekeeping, and the cost of the towing and storage shall be charged to the owner of the vehicle, or to the owner of the property upon which the vehicle was stored.

**51.07 EXCEPTIONS.** The provisions of this chapter do not apply to vehicles stored, parked, or located:

1. Within a garage or other fully enclosed building.
2. On the premises of a business enterprise, operated in a lawful place and manner, when necessary to the operation of such business enterprise, for a period of time not to exceed 90 days. Such business enterprise shall include junk yards, auto or truck repair shops or body shops, and licensed or franchised motor vehicle dealers, but shall not include auto or truck service stations or tire, battery, and accessory sales stores.
3. Snow removal or lawn care equipment which is both (a) fully operational, and (b) stored in a manner which would not constitute a nuisance as defined in Chapter 50 of this Code.
4. No more than one hobby vehicle.

**51.08 VIOLATION.** This chapter does not preclude the issuance of a municipal infraction citation as contained in Section 3.01 of this Code of Ordinances. The owner of a junk vehicle and/or owner, occupant, or person in possession of real property containing junk or a junk vehicle may be charged with a separate violation each day for the same junk or junk vehicle.

*(Chapter 51 – Ord. 481 – Feb. 25 Supp.)*

[The next page is 275]





## CHAPTER 55

# ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.10 Rabies Vaccination
55.02 Animal Neglect	55.11 Owner's Duty
55.03 Livestock Neglect	55.12 Confinement
55.04 Abandonment of Cats and Dogs	55.13 At Large: Impoundment
55.05 Livestock	55.14 Disposition of Animals
55.06 At Large Prohibited	55.15 Impounding Costs
55.07 Damage or Interference	55.16 Pet Awards Prohibited
55.08 Annoyance or Disturbance	55.17 Number of Animals Limited
55.09 Unhealthful or Unsanitary Conditions	55.18 Animals Prohibited by Signs

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

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

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

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

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

**55.03 LIVESTOCK NEGLECT.** It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means 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.** A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

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

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

**55.06 AT LARGE PROHIBITED.** It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City. The fine for first (1<sup>st</sup>) offense for running at large is: \$100.00 and each subsequent offense is an additional \$100.00.

*(Ord. 435 – Jul. 17 Supp.)*

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

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

**55.09 UNHEALTHFUL OR UNSANITARY CONDITIONS.**

1. An owner or custodian shall keep all structures, pens, coops, or yards wherein animals are confined clean, devoid of vermin, and free of odors arising from feces.
2. No owner or custodian of any animal shall permit the animal to discharge feces upon any public or private property, other than the property of the owner of the animal. The owner or custodian shall be deemed to permit the animal’s discharge of feces if the owner or custodian does not immediately thereafter take steps to remove and clean up the feces from the property.

3. All animal feces removed as aforesaid shall be placed in an airtight container and shall be stored in a sanitary manner in an appropriate refuse container until it is removed pursuant to refuse collection procedures or otherwise disposed of in a sanitary manner. Animal feces may be disposed of by turning it under the surface of the owner's soil in any manner that prevents odor or collection of vermin or insects.

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

*(Code of Iowa, Sec. 351.33)*

**55.11 OWNER'S DUTY.** It is the duty of the owner of any dog, cat, or other animal 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)*

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

*(Code of Iowa, Sec. 351.39)*

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

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

*(Code of Iowa, Sec. 351.37, 351.41)*

**55.15 IMPOUNDING COSTS.** Impounding costs shall be as established by resolution of the Council.

**55.16 PET AWARDS PROHIBITED.**

*(Code of Iowa, Ch. 717E)*

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

**55.17 NUMBER OF ANIMALS LIMITED.** No person shall harbor or house on the same premises more than six (6) domestic animals—with a maximum of three (3) animals of any one species—over the age of six (6) months unless such animals are in a licensed kennel or pet shop, veterinary hospital or animal grooming shop.

**55.18 ANIMALS PROHIBITED BY SIGNS.** It is unlawful for any person to take or allow animals on public property that has been posted with signs prohibiting the same.

[The next page is 281]

## CHAPTER 56

### DOG LICENSE REQUIRED

**56.01 Annual License Required**

**56.02 License Fees**

**56.03 License Tags**

**56.04 License Records**

**56.05 Immunization**

**56.06 Transfers of Licensed Dogs**

**56.07 Kennel Dogs**

#### **56.01 ANNUAL LICENSE REQUIRED.**

1. Every owner of a dog over the age of six months shall procure a dog license from the City Clerk on or before January 1 of each year.
2. Such license may be procured after January 1 and at any time for a dog that has come into the possession or ownership of the applicant or that has reached the age of six months after said date.
3. The owner of a dog for which a license is required shall apply to the Clerk on forms provided by the Clerk.
4. The form of the application shall state the breed, sex, age, color, markings, and name, if any, of the dog, and the address of the owner and shall be signed by the owner. The application shall also state the date of the most recent rabies vaccination, the type of vaccine administered and the date the dog shall be revaccinated.
5. All licenses shall expire at the end of each calendar year.

**56.02 LICENSE FEES.** The annual license fee is \$5.00 for each male dog or spayed female dog and \$10.00 for each female dog which has not been spayed.

**56.03 LICENSE TAGS.** Upon receipt of the application and fee, the Clerk shall deliver or mail to the owner a license that shall be in the form of a metal tag stamped with the serial number of the license as shown on the record book of the Clerk, the year in which it is issued, and the name of the City. The license tag shall be securely fastened by the owner to a collar or harness that shall be worn at all times by the dog for which issued. A license issued for one dog shall not be transferable to another dog. Upon the expiration of the license, the owner shall remove said tag from the dog.

**56.04 LICENSE RECORDS.** The Clerk shall keep a book to be known as the record of licenses; such record shall show:

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

**56.05 IMMUNIZATION.** Before a license is issued, the owner shall furnish a veterinarian's certificate showing that the dog for which the license is sought has been vaccinated against rabies, and that the vaccination does not expire within six months from the effective date of the dog license. A tag showing evidence of proper vaccination shall at all times be attached to the collar of the dog.

**56.06 TRANSFERS OF LICENSED DOGS.** Upon transfer of a licensed dog into the City, the owner shall surrender the original license tag to the Clerk. The Clerk shall preserve the surrendered tag and, without a license fee, issue a new license tag.

**56.07 KENNEL DOGS.** Dogs kept in State or federally licensed kennels, which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint, are not subject to the provisions of this chapter.

[The next page is 285]

## CHAPTER 57

# VICIOUS ANIMALS

### 57.01 Definition

### 57.03 Seizure, Impoundment and Disposition

### 57.02 Keeping of Vicious Animals Prohibited

**57.01 DEFINITION.** For use in this chapter, “vicious animal” means any animal that has attacked, bitten, or clawed a person while running at large and the attack was unprovoked, or any animal that has exhibited vicious tendencies in present or past conduct, including such that said animal: (i) has bitten more than one person during the animal’s lifetime; or (ii) has bitten one person on two or more occasions during the animal’s lifetime; or (iii) has attacked any domestic animal or fowl without provocation, causing injury or death while off the property of the owner.

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

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

### 57.03 SEIZURE, IMPOUNDMENT AND DISPOSITION.

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

immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

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

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

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

[The next page is 301]



## CHAPTER 60

# ADMINISTRATION OF TRAFFIC CODE

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

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

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

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

*(Code of Iowa, Sec. 321.1)*

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 321.273)*

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

*(Code of Iowa, Sec. 321.492)*

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

*(Code of Iowa, Sec. 321.229)*

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

1. “Parade” Defined. “Parade” means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.

2. Permit Required. No parade shall be conducted without first obtaining a written permit from the City 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.

3. Parade Not a Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.

4. Control by Police and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

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## CHAPTER 61

# TRAFFIC CONTROL DEVICES

61.01 Installation  
61.02 Crosswalks  
61.03 Traffic Lanes

61.04 Standards  
61.05 Compliance

**61.01 INSTALLATION.** The City 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 City Clerk shall keep a record of all such traffic control devices.

*(Code of Iowa, Sec. 321.255)*

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

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

**61.03 TRAFFIC LANES.** The City 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] & 321.255)*

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

*(Code of Iowa, Sec. 321.255)*

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

*(Code of Iowa, Sec. 321.256)*

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## CHAPTER 62

# GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations  
62.02 Play Streets Designated  
62.03 Vehicles on Sidewalks  
62.04 Clinging to Vehicle

62.05 Quiet Zones  
62.06 Obstructing View at Intersections  
62.07 Compression Brakes

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

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.32 – Registration card, carried and exhibited; exception.
3. Section 321.37 – Display of plates.
4. Section 321.38 – Plates, method of attaching, imitations prohibited.
5. Section 321.57 – Operation under special plates.
6. Section 321.67 – Certificate of title must be executed.
7. Section 321.78 – Injuring or tampering with vehicle.
8. Section 321.79 – Intent to injure.
9. Section 321.91 – Penalty for abandonment.
10. Section 321.98 – Operation without registration.
11. Section 321.99 – Fraudulent use of registration.
12. Section 321.104 – Penal offenses against title law.
13. Section 321.115 – Antique vehicles; model year plates permitted.
14. Section 321.174 – Operators licensed.
15. Section 321.174A – Operation of motor vehicles with expired license.
16. Section 321.180 – Instruction permits.
17. Section 321.180B – Graduated driver's licenses for persons aged fourteen through seventeen.
18. Section 321.193 – Restricted licenses.
19. Section 321.194 – Special minor's licenses.
20. Section 321.208A – Operation in violation of out-of-service order.
21. Section 321.216 – Unlawful use of license and nonoperator's identification card.
22. Section 321.216B – Use of driver's license or nonoperator's identification card by underage person to obtain alcohol.

23. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.
24. Section 321.218 – Operating without valid driver’s license or when disqualified.
25. Section 321.219 – Permitting unauthorized minor to drive.
26. Section 321.220 – Permitting unauthorized person to drive.
27. Section 321.221 – Employing unlicensed chauffeur.
28. Section 321.222 – Renting motor vehicle to another.
29. Section 321.223 – License inspected.
30. Section 321.224 – Record kept.
31. Section 321.232 – Speed detection jamming devices; penalty.
32. Section 321.234A – All-terrain vehicles.
33. Section 321.235A – Electric personal assistive mobility devices.
34. Section 321.247 – Golf cart operation on City streets.
35. Section 321.257 – Official traffic control signal.
36. Section 321.259 – Unauthorized signs, signals or markings.
37. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
38. Section 321.262 – Damage to vehicle.
39. Section 321.263 – Information and aid.
40. Section 321.264 – Striking unattended vehicle.
41. Section 321.265 – Striking fixtures upon a highway.
42. Section 321.266 – Reporting accidents.
43. Section 321.275 – Operation of motorcycles and motorized bicycles.
44. Section 321.276 – Use of electronic communication device while driving; text-messaging.
45. Section 321.277 – Reckless driving.
46. Section 321.277A – Careless driving.
47. Section 321.278 – Drag racing prohibited.
48. Section 321.281 – Actions against bicyclists.
49. Section 321.284 – Open container; drivers.
50. Section 321.284A – Open container; passengers.
51. Section 321.288 – Control of vehicle; reduced speed.
52. Section 321.295 – Limitation on bridge or elevated structures.
53. Section 321.297 – Driving on right-hand side of roadways; exceptions.
54. Section 321.298 – Meeting and turning to right.



55. Section 321.299 – Overtaking a vehicle.
56. Section 321.302 – Overtaking and passing.
57. Section 321.303 – Limitations on overtaking on the left.
58. Section 321.304 – Prohibited passing.
59. Section 321.306 – Roadways laned for traffic.
60. Section 321.307 – Following too closely.
61. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
62. Section 321.309 – Towing; convoys; drawbars.
63. Section 321.310 – Towing four-wheel trailers.
64. Section 321.312 – Turning on curve or crest of grade.
65. Section 321.313 – Starting parked vehicle.
66. Section 321.314 – When signal required.
67. Section 321.315 – Signal continuous.
68. Section 321.316 – Stopping.
69. Section 321.317 – Signals by hand and arm or signal device.
70. Section 321.318 – Method of giving hand and arm signals.
71. Section 321.319 – Entering intersections from different highways.
72. Section 321.320 – Left turns; yielding.
73. Section 321.321 – Entering through highways.
74. Section 321.322 – Vehicles entering stop or yield intersection.
75. Section 321.323 – Moving vehicle backward on highway.
76. Section 321.323A – Approaching certain stationary vehicles.
77. Section 321.324 – Operation on approach of emergency vehicles.
78. Section 321.324A – Funeral processions.
79. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
80. Section 321.330 – Use of crosswalks.
81. Section 321.332 – White canes restricted to blind persons.
82. Section 321.333 – Duty of drivers approaching blind persons.
83. Section 321.340 – Driving through safety zone.
84. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.
85. Section 321.342 – Stop at certain railroad crossings; posting warning.
86. Section 321.343 – Certain vehicles must stop.
87. Section 321.344 – Heavy equipment at crossing.

88. Section 321.344B – Immediate safety threat; penalty.
89. Section 321.354 – Stopping on traveled way.
90. Section 321.359 – Moving other vehicle.
91. Section 321.362 – Unattended motor vehicle.
92. Section 321.363 – Obstruction to driver's view.
93. Section 321.364 – Vehicles shipping food; preventing contamination by hazardous material.
94. Section 321.365 – Coasting prohibited.
95. Section 321.367 – Following fire apparatus.
96. Section 321.368 – Crossing fire hose.
97. Section 321.369 – Putting debris on highway.
98. Section 321.370 – Removing injurious material.
99. Section 321.371 – Clearing up wrecks.
100. Section 321.372 – School buses.
101. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
102. Section 321.381A – Operation of low-speed vehicles.
103. Section 321.382 – Upgrade pulls; minimum speed.
104. Section 321.383 – Exceptions; slow vehicles identified.
105. Section 321.384 – When lighted lamps required.
106. Section 321.385 – Head lamps on motor vehicles.
107. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
108. Section 321.387 – Rear lamps.
109. Section 321.388 – Illuminating plates.
110. Section 321.389 – Reflector requirement.
111. Section 321.390 – Reflector requirements.
112. Section 321.392 – Clearance and identification lights.
113. Section 321.393 – Color and mounting.
114. Section 321.394 – Lamp or flag on projecting load.
115. Section 321.395 – Lamps on parked vehicles.
116. Section 321.398 – Lamps on other vehicles and equipment.
117. Section 321.402 – Spot lamps.
118. Section 321.403 – Auxiliary driving lamps.
119. Section 321.404 – Signal lamps and signal devices.
120. Section 321.404A – Light-restricting devices prohibited.
121. Section 321.405 – Self-illumination.

- 122. Section 321.408 – Back-up lamps.
- 123. Section 321.409 – Mandatory lighting equipment.
- 124. Section 321.415 – Required usage of lighting devices.
- 125. Section 321.417 – Single-beam road-lighting equipment.
- 126. Section 321.418 – Alternate road-lighting equipment.
- 127. Section 321.419 – Number of driving lamps required or permitted.
- 128. Section 321.420 – Number of lamps lighted.
- 129. Section 321.421 – Special restrictions on lamps.
- 130. Section 321.422 – Red light in front.
- 131. Section 321.423 – Flashing lights.
- 132. Section 321.430 – Brake, hitch, and control requirements.
- 133. Section 321.431 – Performance ability.
- 134. Section 321.432 – Horns and warning devices.
- 135. Section 321.433 – Sirens, whistles, and bells prohibited.
- 136. Section 321.434 – Bicycle sirens or whistles.
- 137. Section 321.436 – Mufflers, prevention of noise.
- 138. Section 321.437 – Mirrors.
- 139. Section 321.438 – Windshields and windows.
- 140. Section 321.439 – Windshield wipers.
- 141. Section 321.440 – Restrictions as to tire equipment.
- 142. Section 321.441 – Metal tires prohibited.
- 143. Section 321.442 – Projections on wheels.
- 144. Section 321.444 – Safety glass.
- 145. Section 321.445 – Safety belts and safety harnesses; use required.
- 146. Section 321.446 – Child restraint devices.
- 147. Section 321.449 – Motor carrier safety regulations.
- 148. Section 321.449A – Rail crew transport drivers.
- 149. Section 321.450 – Hazardous materials transportation.
- 150. Section 321.454 – Width of vehicles.
- 151. Section 321.455 – Projecting loads on passenger vehicles.
- 152. Section 321.456 – Height of vehicles; permits.
- 153. Section 321.457 – Maximum length.
- 154. Section 321.458 – Loading beyond front.
- 155. Section 321.460 – Spilling loads on highways.
- 156. Section 321.461 – Trailers and towed vehicles.

- 157. Section 321.462 – Drawbars and safety chains.
- 158. Section 321.463 – Maximum gross weight.
- 159. Section 321.465 – Weighing vehicles and removal of excess.
- 160. Section 321.466 – Increased loading capacity; reregistration.

**62.02 PLAY STREETS DESIGNATED.** The City 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 COMPRESSION BRAKES.** It is unlawful for the driver of any vehicle to use or operate (or for any person to cause to be used or operated) within the City any engine brake, compression brake, or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle, which results in excessive, loud, unusual, or explosive noise from such vehicle.

[The next page is 317]

## CHAPTER 63

### SPEED REGULATIONS

#### 63.01 General

#### 63.02 State Code Speed Limits

#### 63.03 Parks, Cemeteries, and Parking Lots

#### 63.04 Special Speed Zones

#### 63.05 Minimum Speed

#### 63.06 Controlled Access Facilities

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

*(Code of Iowa, Sec. 321.285)*

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

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

**63.03 PARKS, CEMETERIES, AND PARKING LOTS.** A speed in excess of fifteen (15) miles per hour in any public park, cemetery, or parking lot, unless specifically designated otherwise in this chapter, is unlawful.

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

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

*(Code of Iowa, Sec. 321.290)*

1. Special 15 MPH Speed Zones. A speed in excess of fifteen miles per hour is unlawful on any of the following designated streets or parts thereof.
  - A. Willow Street from 6<sup>th</sup> Street to 7<sup>th</sup> Street.
  - B. Monona Street from 6<sup>th</sup> Street to 7<sup>th</sup> Street.
  - C. 6<sup>th</sup> Street from Monona Street to Willow Street.
  - D. 7<sup>th</sup> Street from Monona Street to Willow Street.
2. Special 25 MPH Speed Zones. A speed in excess of twenty-five miles per hour is unlawful on any of the following designated streets or parts thereof.

- A. Sioux Street from Iowa Highway 141 to a point 400 feet east of 8<sup>th</sup> Street.
  - B. 6<sup>th</sup> Street from Willow Street to Monona Street.
  - C. 7<sup>th</sup> Street from Willow Street to Monona Street.
3. Special 40 MPH Speed Zones. A speed in excess of forty miles per hour is unlawful on any of the following designated streets or parts thereof.
- A. Sioux Street from a point four hundred feet east of 8<sup>th</sup> Street to the east 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)*

**63.06 CONTROLLED ACCESS FACILITIES.** Speed limits on controlled access facilities are as specified in Chapter 140 of this Code of Ordinances.

[The next page is 321]

## CHAPTER 64

# TURNING REGULATIONS

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

**64.03 Left Turn for Parking**

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

*(Code of Iowa, Sec. 321.311)*

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

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

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

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

1. At the intersection of Main Street and 4<sup>th</sup> Street.
2. At the intersection of Main Street and 5<sup>th</sup> Street.
3. At any intersection with Iowa Highway 141.

**64.03 LEFT TURN FOR PARKING.** No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on said street.

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## CHAPTER 65

### STOP OR YIELD REQUIRED

65.01 Stop Required  
65.02 Four-Way Stop Intersections  
65.03 Yield Required

65.04 Stop Before Crossing Sidewalk  
65.05 Stop When Traffic Is Obstructed  
65.06 Yield to Pedestrians in Crosswalks

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

*(Code of Iowa, Sec. 321.345)*

1. Chamberlain Avenue. Vehicles traveling north on Chamberlain Avenue shall stop at Sioux Street.
2. Walnut Street. Vehicles traveling east on Walnut Street shall stop at 6<sup>th</sup> Street.
3. Ohm Street. Vehicles traveling west on Ohm Street shall stop at Chamberlain Avenue.
4. Courtright Street. Vehicles traveling east on Courtright Street shall stop at Chamberlain Avenue.
5. 6<sup>th</sup> Street. Vehicles traveling south on 6<sup>th</sup> Street shall stop at Oak Street.
6. Walnut Street. Vehicles traveling west on Walnut Street shall stop at 7<sup>th</sup> Street.
7. Tower Street. Vehicles traveling north on Tower Street shall stop at Walnut Street.
8. 7<sup>th</sup> Street. Vehicles traveling north on 7<sup>th</sup> Street shall stop at Sioux Street.
9. 7<sup>th</sup> Street. Vehicles traveling south on 7<sup>th</sup> Street shall stop at Oak Street.
10. 6<sup>th</sup> Street. Vehicles traveling north on 6<sup>th</sup> Street shall stop at Sioux Street.
11. Oak Street. Vehicles traveling west on Oak Street shall stop at 4<sup>th</sup> Street.
12. Willow Street. Vehicles traveling west on Willow Street shall stop at 4<sup>th</sup> Street.
13. Maple Street. Vehicles traveling east on Maple Street shall stop at 4<sup>th</sup> Street.
14. Courtright Street. Vehicles traveling west on Courtright Street shall stop at Front Street.
15. 1<sup>st</sup> Street. Vehicles traveling north on 1<sup>st</sup> Street shall stop at Front Street.
16. West Ring Street. Vehicles traveling southeast on West Ring Street shall stop at Front Street/Hwy. 175 – Tiny’s Bar/little league.
17. Security National Bank. Vehicles traveling east on access to Security National Bank shall stop at 4<sup>th</sup> Street/Hwy. 141.
18. NorthView Acres Trailer Park. Vehicles traveling east on access to NorthView Acres Trailer Park shall stop at 8<sup>th</sup> Street.

19. Front Street. Vehicles traveling southwest on Front Street shall stop at Main Street.
20. Sioux Street. Vehicles traveling on Sioux Street shall stop at 6<sup>th</sup> Street.
21. Ring Street. Vehicles traveling on Ring Street shall stop at 4<sup>th</sup> Street.
22. Courtright Street. Vehicles traveling on Courtright Street shall stop at 4<sup>th</sup> Street.
23. Heisler Street. Vehicles traveling on Heisler Street shall stop at 4<sup>th</sup> Street.
24. Sioux Street. Vehicles traveling on Sioux Street shall stop at 4<sup>th</sup> Street.
25. Monona Street. Vehicles traveling on Monona Street shall stop at 4<sup>th</sup> Street.
26. Walnut Street. Vehicles traveling on Walnut Street shall stop at 4<sup>th</sup> Street.
27. 2<sup>nd</sup> Street. Vehicles traveling north on 2<sup>nd</sup> Street shall stop at Main Street.
28. 2<sup>nd</sup> Street. Vehicles traveling on 2<sup>nd</sup> Street shall stop at Monona Street.
29. 2<sup>nd</sup> Street. Vehicles traveling on 2<sup>nd</sup> Street shall stop at Courtright Street.
30. 3<sup>rd</sup> Street. Vehicles traveling on 3<sup>rd</sup> Street shall stop at Courtright Street.
31. 3<sup>rd</sup> Street. Vehicles traveling on 3<sup>rd</sup> Street shall stop at Main Street.
32. 7<sup>th</sup> Street. Vehicles traveling on 7<sup>th</sup> Street shall stop at Heisler Street.
33. 7<sup>th</sup> Street. Vehicles traveling on 7<sup>th</sup> Street shall stop at Main Street.
34. 8<sup>th</sup> Street. Vehicles traveling on 8<sup>th</sup> Street shall stop at Ring Street.
35. Chamberlain Avenue. Vehicles traveling on Chamberlain Avenue shall stop at Main Street.
36. 5<sup>th</sup> Street. Vehicles traveling on 5<sup>th</sup> Street shall stop at Main Street.
37. 6<sup>th</sup> Street. Vehicles traveling on 6<sup>th</sup> Street shall stop at Main Street.
38. 6<sup>th</sup> Street. Vehicles traveling on 6<sup>th</sup> Street shall stop at Walnut Street.
39. 5<sup>th</sup> Street. Vehicles traveling on 5<sup>th</sup> Street shall stop at Sioux Street.
40. 8<sup>th</sup> Street. Vehicles traveling on 8<sup>th</sup> Street shall stop at Main Street.
41. 5<sup>th</sup> Street. Vehicles traveling on 5<sup>th</sup> Street shall stop at Monona Street.
42. 5<sup>th</sup> Street. Vehicles traveling on 5<sup>th</sup> Street shall stop at Courtright Street.
43. 8<sup>th</sup> Street. Vehicles traveling on 8<sup>th</sup> Street shall stop at Sioux Street.
44. Heisler Street. Vehicles traveling on Heisler Street shall stop at 5<sup>th</sup> Street.
45. Oak Street. Vehicles traveling on Oak Street shall stop at 6<sup>th</sup> Street.
46. 7<sup>th</sup> Street. Vehicles traveling on 7<sup>th</sup> Street shall stop at Walnut Street.
47. Oak Street. Vehicles traveling on Oak Street shall stop at 7<sup>th</sup> Street.
48. 9<sup>th</sup> Street. Vehicles traveling south on 9<sup>th</sup> Street shall stop at Walnut Street.  
*(Subsection 48 – Ord. 453 – Mar. 20 Supp.)*
49. Courtright Street. Vehicles traveling on Courtright Street shall stop at 8<sup>th</sup> Street.  
*(Subsection 49 – Ord. 471 – Jun. 21 Supp.)*

**65.02 FOUR-WAY STOP INTERSECTIONS.** Every driver of a vehicle shall stop before entering the following designated four-way stop intersections:

*(Code of Iowa, Sec. 321.345)*

1. Intersection of 6<sup>th</sup> Street and Monona Street.
2. Intersection of 7<sup>th</sup> Street and Monona Street.
3. Intersection of Chamberlain Avenue and Walnut Street.
4. Intersection of 7<sup>th</sup> Street and Willow Street.
5. Intersection of 7<sup>th</sup> Street and Courtright Street.
6. Intersection of 7<sup>th</sup> Street and Ring Street.
7. Intersection of 6<sup>th</sup> Street and Ring Street.
8. Intersection of 6<sup>th</sup> Street and Courtright Street.
9. Intersection of 6<sup>th</sup> Street and Willow Street.
10. Intersection of 8<sup>th</sup> Street and Walnut Street.
11. Intersection of 4<sup>th</sup> and Main Street.
12. Intersection of Chamberlain Avenue and Ring Street.
13. Intersection of Chamberlain Avenue and Sunrise Avenue.
14. Intersection of 8<sup>th</sup> Street and Ring Street. *(Ord. 458 – Aug. 20 Supp.)*

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

*(Code of Iowa, Sec. 321.345)*

1. 5<sup>th</sup> Street. Vehicles traveling on 5<sup>th</sup> Street shall yield at Ring Street.
2. 3<sup>rd</sup> Street. Vehicles traveling north on 3<sup>rd</sup> Street shall yield at Front Street.  
*(Section 65.03 – Ord. 471 – Jun. 21 Supp.)*

**65.04 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)*

**65.05 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.

**65.06 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)*

*(Ch. 65 – Ord. 451 – Aug. 19 Supp.)*

[The next page is 331]



## CHAPTER 66

### LOAD AND WEIGHT RESTRICTIONS

#### 66.01 Temporary Embargo

#### 66.03 Trucks Prohibited – Main Street

#### 66.02 Permits for Excess Size and Weight

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

*(Code of Iowa, Sec. 321.471 & 472)*

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

*(Code of Iowa, Sec. 321.473 & 321E.1)*

**66.03 TRUCKS PROHIBITED – MAIN STREET.** No person shall operate a vehicle or combination of vehicles and trailers exceeding no more than three (3) axles or thirty-thousand pounds (30,000 lbs.) gross licensed weight on Main Street between 4<sup>th</sup> Street and Chamberlain Street except to provide local deliveries and garbage pickup within the above boundaries.

*(Ord. 450 – Jan. 19 Supp.)*

[The next page is 335]



## **CHAPTER 67**

### **PEDESTRIANS**

**67.01 Walking in Street**  
**67.02 Hitchhiking**

**67.03 Pedestrian Crossing**  
**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.

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## CHAPTER 68

### ONE-WAY TRAFFIC

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

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

1. The east-west alley in Block One of the official plat of the City shall be westbound only.
2. The east-west alley in Block Thirteen of the official plat of the City shall be eastbound only.

*(Ord. 441 – Jul. 18 Supp.)*

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## CHAPTER 69

# PARKING REGULATIONS

69.01 Park Adjacent to Curb	69.08 No Parking Zones
69.02 Parking on One-Way Streets	69.09 Truck Parking Limited
69.03 Angle Parking	69.10 Snow Emergency
69.04 Manner of Angle Parking	69.11 Controlled Access Facilities
69.05 Parking for Certain Purposes Illegal	69.12 Parking Permit
69.06 Parking Prohibited	69.13 Vehicle Defined
69.07 Persons With Disabilities Parking	

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

*(Code of Iowa, Sec. 321.361)*

**69.02 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 eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

*(Code of Iowa, Sec. 321.361)*

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

*(Code of Iowa, Sec. 321.361)*

1. Eighth Street, on both sides between Sioux Street and Heisler Street.
2. Seventh Street, on both sides between Courtright Street and Ring Street.
3. Main Street, on both sides between 2<sup>nd</sup> Street and 5<sup>th</sup> Street.
4. 7<sup>th</sup> Street, on the west side between Monona Street and Willow Street.
5. 6<sup>th</sup> Street, on the east side between Monona Street and Walnut Street.
6. Walnut Street, on the north side between 5<sup>th</sup> Street and 6<sup>th</sup> Street.
7. Main Street, on the south side between 5<sup>th</sup> Street and 6<sup>th</sup> Street.
8. 6<sup>th</sup> Street, on the west side from Main Street halfway to alley.
9. 5<sup>th</sup> Street, on the east side between Main Street and Courtright Street.
10. Courtright Street, on both sides between 4<sup>th</sup> Street and 5<sup>th</sup> Street.
11. Ring Street, on both sides between 5<sup>th</sup> Street and 6<sup>th</sup> Street.
12. 6<sup>th</sup> Street, on the west side between Ring Street and south 120 feet.

**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 sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.

*(Code of Iowa, Sec. 321.361)*

**69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL.** No person shall park a vehicle upon streets or public property for any of the following purposes:

1. Hour Limit. Parking for more than sixteen (16) hours in a twenty-four (24) hour period on any street, public parking, or combination of streets, except as otherwise permitted by this chapter. A vehicle must be driven or parked on private property for at least eight (8) hours in any twenty-four (24) hour period.
2. Sale. Displaying any vehicle for sale;
3. Repairing. Lubricating, repairing, or commercial washing of any vehicle, except such repairs as are necessitated by an emergency;
4. Advertising. Displaying advertising;
5. Merchandise Sales. Selling merchandise from a vehicle except in a duly established marketplace or when authorized or licensed under this Code of Ordinances.
6. Oversize Vehicles. Trailers, including but not limited to, boat trailers, trailers, horse trailers, etc., boats, campers, RV's, moving trucks, shipping containers, and other similar vehicles may only be parked on public streets for the purposes of loading, unloading, or other temporary purposes, for a period not to exceed two (2) hours during any twenty-four (24) hour period.

*(Section 69.05 – Ord. 473 – May 22 Supp.)*

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

1. Crosswalk. On a crosswalk.  
*(Code of Iowa, Sec. 321.358[5])*
2. Center Parkway. On the center parkway or dividing area of any divided street.  
*(Code of Iowa, Sec. 321.236[1])*
3. Mailboxes. Within twenty (20) feet on either side of a mailbox that is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.  
*(Code of Iowa, Sec. 321.236[1])*
4. Sidewalks. On or across a sidewalk.  
*(Code of Iowa, Sec. 321.358[1])*
5. Driveway. In front of a public or private driveway.  
*(Code of Iowa, Sec. 321.358[2])*
6. Intersection. Within an intersection or within ten (10) feet of an intersection of any street or alley.  
*(Code of Iowa, Sec. 321.358[3])*

7. Fire Hydrant. Within five (5) feet of a fire hydrant.  
*(Code of Iowa, Sec. 321.358[4])*
8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.  
*(Code of Iowa, Sec. 321.358[6])*
9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.  
*(Code of Iowa, Sec. 321.358[8])*
10. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.  
*(Code of Iowa, Sec. 321.358[9])*
11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.  
*(Code of Iowa, Sec. 321.358[10])*
12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.  
*(Code of Iowa, Sec. 321.358[11])*
13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.  
*(Code of Iowa, Sec. 321.358[13])*
14. Churches, Nursing Homes and Other Buildings. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.  
*(Code of Iowa, Sec. 321.360)*
15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection do not apply to a vehicle parked in any alley that is eighteen (18) feet wide or less, provided that said vehicle is parked to deliver goods or services.  
*(Code of Iowa, Sec. 321.236[1])*
16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.  
*(Code of Iowa, Sec. 321.358[15])*
17. Area Between Lot Line and Curb Line. That area of the public way not covered by sidewalk and lying between the lot line and the curb line, where curbing has been installed.

18. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

**69.07 PERSONS WITH DISABILITIES PARKING.** The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the *Code of Iowa* and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.
2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

*(Code of Iowa, Sec. 321L.4[2])*

- A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit;
  - B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the *Code of Iowa*;
  - C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the *Code of Iowa*.
3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:
    - A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A(1) of the *Code of Iowa* when utilizing a wheelchair parking cone.
    - B. A person shall not interfere with a wheelchair parking cone that is properly placed under the provisions of Section 321L.2A(1) of the *Code of Iowa*.

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

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

1. Sioux Street, on both sides between 4<sup>th</sup> Street and Chamberlain Street, except for the half block of authorized parking spaces on the south side between 5<sup>th</sup> and 6<sup>th</sup> Streets and on north side between 6<sup>th</sup> and 7<sup>th</sup> Streets.
2. 7<sup>th</sup> Street, on both sides from Willow Street to Oak Street.
3. 6<sup>th</sup> Street, on the east side from Walnut Street to Oak Street.
4. Elmwood Drive, on the south side between Chamberlain Street and 9<sup>th</sup> Street.
5. 7<sup>th</sup> Street, on east side between Willow Street and Monona Street.



6. Ohm Drive, on the south side from Chamberlain Street to the most westerly point of the cul-de-sac or within the cul-de-sac at the east end of Ohm Drive.
7. Courtright Street, on north side between 6<sup>th</sup> Street and 7<sup>th</sup> Street.
8. Monona Street, on both sides between 6<sup>th</sup> Street and 7<sup>th</sup> Street.
9. Oak Street, on the north side between 4<sup>th</sup> Street and 7<sup>th</sup> Street.
10. 8<sup>th</sup> Street on east side from Main Street to Walnut Street.
11. Ring Street, on south side, between 6<sup>th</sup> Street and 8<sup>th</sup> Street.
12. Monona Street, on south side between 4<sup>th</sup> Street and 6<sup>th</sup> Street.
13. Elm Street, on south side between Muckey Street and 6<sup>th</sup> Street.
14. Walnut Street, on north side between 8<sup>th</sup> Street and 7<sup>th</sup> Street.
15. On Willow Street, north side between 6<sup>th</sup> Street and 7<sup>th</sup> Street.

*(Section 69.08 – Ord. 448 – Oct. 18 Supp.)*

**69.09 TRUCK PARKING LIMITED.** No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pickup, light delivery or panel delivery trucks.

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

1. Business District. 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 on any street within the business district. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner that will not interfere with other traffic.
2. Residential Districts. No person shall park or leave unattended any such vehicle with a gross vehicle weight in excess of five tons on any street within an R-1 or R-2 residential district except when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo provided they are parked for only as long as necessary to load or unload and are parked in a manner that will not interfere with other traffic.
3. Noise. No such vehicle shall be left standing or parked upon any street, alley, public or private parking lot or drive of any service station between the hours of 11:00 p.m. and 7:00 a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes or except in designated truck parking areas.
4. Designated Parking Areas. Truck parking is allowed only in areas designated by the City pursuant to rules adopted by the City Council. *(Ord. 485 – Feb. 25 Supp.)*  
*(Section 69.09 – Ord. 459 – Aug. 20 Supp.)*

**69.10 SNOW EMERGENCY.** No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency proclaimed by the Mayor unless the snow has been removed or plowed from said street, alley, or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation throughout the duration of the snow or ice storm and the 72-hour period after cessation of such storm except as above provided upon streets which have

been fully opened. Such a ban shall be of uniform application and the Mayor is directed to publicize the requirements widely, using all available news media, in early November each year. When predictions or occurrences indicate the need, the Mayor shall proclaim a snow emergency and the City Clerk shall inform the news media to publicize the proclamation and the parking rules under the emergency. The emergency may be extended or shortened when conditions warrant. Provided, however, the provisions of this section do not apply in the following cases:

1. Parking shall be permitted in the designated parking lot between 314 and 318 Main Street for periods of up to 72 hours of continuous use during a snow emergency.
2. The Council may grant an emergency snow parking permit, for cause, in individual cases in which compliance would create an extreme hardship. Any permit so granted shall be displayed upon the dashboard of the vehicle. All such permits shall expire May 1 of each year.

**69.11 CONTROLLED ACCESS FACILITIES.** Parking restrictions on controlled access facilities are as specified in Chapter 140 of this Code of Ordinances.

**69.12 PARKING PERMIT.** Notwithstanding the parking restrictions of this chapter, the City Council or its designee may grant temporary permits specifying the times and places for parking for events, commercial activity, construction, or other reasonable circumstances justifying the need for a temporary permit. An applicant for a temporary parking permit shall submit a written request to the City specifying the dates, times, location, and description of the vehicle to be parked and pay a permit fee as determined by the City Council. The City shall have complete discretion to approve or deny parking permit requests and may impose reasonable conditions upon the granting of a permit. *(Ord. 473 – May 22 Supp.)*

**69.13 VEHICLE DEFINED.** For purposes of this chapter, “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, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, trailer, boat, boat trailer, RV, camper, or any combination thereof. *(Ord. 473 – May 22 Supp.)*

[The next page is 361]

## CHAPTER 70

# TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation

70.02 Scheduled Violations

70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended

70.05 Presumption in Reference to Illegal Parking

70.06 Impounding Vehicles

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

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

*(Code of Iowa, Sec. 805.6 & 321.485)*

**70.02 SCHEDULED VIOLATIONS.** For violations of the Traffic Code 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 & 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. A party wishing to contest the violation must file written notice with the City Clerk within seven (7) days from the date of the citation. Following receipt of the written request, the City Clerk shall notify the City Attorney who shall prepare and file a municipal infraction citation with the District Court. The simple notice of a fine shall be in the amount of fifty dollars (\$50.00) for snow emergency parking violations and twenty-five dollars (\$25.00) for all other violations except improper use of a persons with disabilities parking permit. If such fine is not paid within thirty (30) days, it shall be increased by five dollars (\$5.00). The simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars (\$100.00).

*(Ord. 449 – Nov. 18 Supp.)*

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

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

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

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code, and

2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

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

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

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

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

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

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

4. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, the owner shall be given an opportunity to remove the vehicle.

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

5. 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 381]

## CHAPTER 75

# ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose	75.10 Speed
75.02 Definitions	75.11 Traffic Code
75.03 General Regulations	75.12 Trails
75.04 Operation of Snowmobiles	75.13 Sidewalks
75.05 Operation of All-Terrain Vehicles	75.14 Unattended Vehicles and Parking
75.06 Operation of Off-Road Utility Vehicles Permitted	75.15 Private Property
75.07 Prohibited Streets	75.16 Accident Reports
75.08 Equipment	75.17 Violation and Penalty
75.09 Hours of Operation	

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

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

1. “All-terrain vehicle” or “ATV” means a motorized vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

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

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

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

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

A. Type 1 – vehicles with a total dry weight of 1,200 pounds or less and a width of 50 inches or less.

B. Type 2 – vehicles, other than Type 1, with a total dry weight of 2,000 pounds or less and a width of 65 inches or less.

C. Type 3 – vehicles with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

*(Subsection 3 – Ord. 464 – Jun. 21 Supp.)*

4. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or

less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

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

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

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

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

1. Streets. Snowmobiles 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])*

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

- A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

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

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

- (1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
- (2) The snowmobile is brought to a complete stop before crossing the street;
- (3) The driver yields the right-of-way to all on-coming traffic that constitutes an immediate hazard; and
- (4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

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

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

*(Code of Iowa, Sec. 321G.13[1h])*

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

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

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

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

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

1. Streets. ATVs and off-road utility vehicles may be operated on streets of the City by persons at least eighteen (18) years of age possessing a valid Iowa operator’s license, in accordance with all applicable sections of the *Code of Iowa*, and except as prohibited in Section 75.07 of this chapter. The number of occupants shall not exceed the number of seats installed by the manufacturer in said vehicle.

*(Subsection 1 – Ord. 480 – Feb. 25 Supp.)*

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

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

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

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

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

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

6. Snow Removal. Notwithstanding anything herein to the contrary, ATVs may be operated on City streets and sidewalks by persons eighteen (18) years of age or older, and holding a valid Iowa driver’s license, for the limited purpose of removing snow via attached snowplow or blade.

*(Subsection 6 – Ord. 464 – Jun. 21 Supp.)*

**75.06 OPERATION OF OFF-ROAD UTILITY VEHICLES PERMITTED.** Off-road utility vehicles may be operated upon the streets of the City by persons at least eighteen (18) years of age possessing a valid Iowa operator’s license, except as prohibited in Section 75.07 of this chapter. The number of occupants shall not exceed the number of seats installed by the manufacturer in said vehicle.

*(Ord. 464 – Jun. 21 Supp.)*

**75.07 PROHIBITED STREETS.** ATVs and off-road utility vehicles shall not be operated upon any City street which is a primary road extension through the City. However, ATVs and off-road utility vehicles may cross such a primary road extension.

*(Ord. 480 – Feb. 25 Supp.)*

**75.08 EQUIPMENT.** ATVs and off-road utility vehicles operated upon City streets shall be equipped with at least the following:

1. A safety flag, the top of which shall be a minimum of five (5) feet from ground level.
2. Adequate and operational brakes.
3. Headlights and taillights.
4. Muffler.

*(Section 75.08 – Ord. 480 – Feb. 25 Supp.)*

**75.09 HOURS OF OPERATION.** ATVs and off-road utility vehicles may be operated on City streets only between the hours of 6:30 a.m. and 10:00 p.m., except for emergency situations, for loading or unloading from a transport trailer, or to perform snow removal activities.

*(Ord. 480 – Feb. 25 Supp.)*

**75.10 SPEED.** ATVs and off-road utility vehicles shall not be operated on any City street at a speed in excess of the lesser of twenty-five (25) miles per hour or the posted speed limit.

*(Section 75.10 – Ord. 480 – Feb. 25 Supp.)*

**75.11 TRAFFIC CODE.** Any person operating an ATV or off-road utility vehicle shall adhere to all traffic signs, signals, rules, and regulations and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic.

*(Section 75.11 – Ord. 480 – Feb. 25 Supp.)*

**75.12 TRAILS.** Off-road utility vehicles shall not be operated on any recreational, bike, or walking trail unless the trail is specifically designated to allow use of motorized vehicles.

*(Ord. 464 – Jun. 21 Supp.)*

**75.13 SIDEWALKS.** Off-road utility vehicles shall not be operated upon sidewalks unless the operator is engaged in snow or ice removal activities.

*(Ord. 464 – Jun.21 Supp.)*

**75.14 UNATTENDED VEHICLES AND PARKING.** ATVs, off-road utility vehicles, and snowmobiles shall not be left unattended on public property while the motor is running or the key is in the ignition. Owners/operators shall comply with all parking regulations in the City.

*(Ord. 464 – Jun. 21 Supp.)*

**75.15 PRIVATE PROPERTY.** ATVs, off-road utility vehicles, and snowmobiles may only be operated on private property with the express consent of the owner.

*(Ord. 464 – Jun. 21 Supp.)*

**75.16 ACCIDENT REPORTS.** Whenever an ATV, off-road utility vehicle, or snowmobile is involved in an accident resulting in injury or death to any person, or property damage amounting to one thousand five hundred dollars (\$1,500.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

*(Ord. 464 – Jun. 21 Supp.)*



**75.17 VIOLATION AND PENALTY.** Any person violating any of the provisions of this chapter, upon conviction, shall be guilty of a misdemeanor and shall be subject to the following penalties:

1. First violation: fine not to exceed one-hundred dollars (\$100.00).
2. Second violation within twelve-month period: fine not to exceed two-hundred dollars (\$200.00).
3. Third violation: fine not to exceed three-hundred dollars (\$300.00).

The above penalties are in addition to any penalties and prosecutions that may be brought under State law or this Code.

*(Section 75.17 – Ord. 464 – Jun. 21 Supp.)*

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## CHAPTER 76

### BICYCLE REGULATIONS

76.01 Scope of Regulations

76.02 Traffic Code Applies

76.03 Double Riding Restricted

76.04 Two Abreast Limit

76.05 Speed

76.06 Emerging from Alley or Driveway

76.07 Carrying Articles

76.08 Riding on Sidewalks

76.09 Towing

76.10 Improper Riding

76.11 Parking

76.12 Equipment Requirements

76.13 Special Penalty

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

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

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

*(Code of Iowa, Sec. 321.234)*

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 321.397)*

2. Brakes Required. Every bicycle shall be equipped with a brake 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 (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

## CHAPTER 77

### GOLF CARTS

77.01 Purpose  
77.02 Operation of Golf Carts Permitted  
77.03 Prohibited Streets

77.04 Equipment  
77.05 Hours

**77.01 PURPOSE.** The purpose of this chapter is to permit the operation of golf carts on streets in the City as authorized by Section 321.247 of the *Code of Iowa*. This chapter applies whenever a golf cart is operated on any street or alley.

**77.02 OPERATION OF GOLF CARTS PERMITTED.** Golf carts may be operated upon the streets of the City by persons possessing a valid driver's license, except as prohibited in Section 77.03 of this chapter.

**77.03 PROHIBITED STREETS.** Golf carts shall not be operated upon any City street which is a primary road extension through the City. However, golf carts may cross such a primary road extension.

**77.04 EQUIPMENT.** Golf carts operated upon City streets shall be equipped with a slow moving vehicle sign and a bicycle safety flag at all times during operation and shall be equipped with adequate brakes.

**77.05 HOURS.** Golf carts may be operated on City streets only between sunrise and sunset.

[The next page is 395]

## CHAPTER 80

### ABANDONED VEHICLES

**80.01 Definitions**

**80.02 Authority to Take Possession of Abandoned Vehicles**

**80.03 Notice by Mail**

**80.04 Reclamation of Abandoned Vehicles**

**80.05 Fees for Impoundment**

**80.06 Disposal of Abandoned Vehicles**

**80.07 Disposal of Totally Inoperable Vehicles**

**80.08 Proceeds from Sales**

**80.09 Duties of Demolisher**

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

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

1. “Abandoned vehicle” means any of the following:
  - A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.
  - B. A vehicle that has remained illegally on public property for more than 24 hours.
  - C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than 24 hours.
  - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.
  - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
  - F. A vehicle that has been impounded pursuant to Section 321J.4B of the *Code of Iowa* by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. “Demolisher” means a person licensed under Chapter 321H of the *Code of Iowa* whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.
3. “Garage keeper” means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.
4. “Police authority” means the Iowa State Patrol or any law enforcement agency of a county or city.

**80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES.** A police authority, upon the authority’s own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or

hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity that is a garage keeper to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

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

### **80.03 NOTICE BY MAIL.**

1. A police authority or private entity that takes into custody an abandoned vehicle shall send notice by certified mail that the vehicle has been taken into custody no more than 20 days after taking custody of the vehicle. Notice shall be sent to the last known address of record of the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle.

2. Notice shall be deemed given when mailed. The notice shall include all of the following:

A. A description of the year, make, model, and vehicle identification number of the vehicle.

B. The location of the facility where the vehicle is being held.

C. Information for the persons receiving the notice of their right to reclaim the vehicle and personal property contained therein within 10 days after the effective date of the notice. Persons may reclaim the vehicle or personal property upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice required pursuant to this section.

D. A statement that failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders, and claimants of all right, title, claim, and interest in the vehicle or personal property.

E. A statement that failure to reclaim the vehicle or personal property is deemed consent for the police authority or private entity to sell the vehicle at a public auction or dispose of the vehicle to a demolisher and to dispose of the personal property by sale or destruction.

3. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90, Subsection 1, of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle.

4. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters.



5. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the 10-day reclaiming period, the owner, lienholders, or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property.

6. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders, or claimants after the expiration of the 10-day reclaiming period.

7. If it is impossible to determine with reasonable certainty the identities and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Subsection 2 of this section. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Subsection 2 of this section.

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

*(Section 80.03 – Ord. 472 – Oct. 21 Supp.)*

**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*. *(Ord. 472 – Oct. 21 Supp.)*

*(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 ninety (90) days, and then shall be deposited in the State

Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

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

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

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

[The next page is 421]

## CHAPTER 90

# WATER SERVICE SYSTEM

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

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

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

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

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

**90.03 MANDATORY CONNECTIONS.** Except as hereinafter provided, all residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system. Private wells and water systems shall not be maintained, nor shall any new wells be established, unless one or more of the following conditions are established to the reasonable satisfaction of the City.

1. The private well or water system was in existence prior to July 1, 2009, and is registered with the City Clerk by address, legal description, name and address of the owner of the property where the well is situated, the owner of the well, and the names and addresses of all persons using the well.
2. No part of the property for which a private well or water system is proposed is within 500 feet of a City water main, which determination shall be made by the Superintendent.
3. Undue hardship will result to the property owner, firm, or individual applying for permission to construct a private well or water system. Undue hardship means that the property in question is so situated that connection to the City water system would be impossible or impractical from an engineering standpoint and/or would be economically prohibitive and the conditions causing the undue hardship were not caused or contributed to by the property owner or applicant. The City Council shall rule on all claims of undue hardship.
4. The City, in its sole discretion, determines that it is unable or unwilling to supply water in the quantities and of the quality reasonably required by the person or firm requesting the service.

An application for an exception to the mandatory connection requirement shall be filed with the City Clerk, upon such a form as the City may require, along with an application fee of twenty-five dollars (\$25.00).

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

**90.05 APPLICATION FOR SERVICE.** Before any person makes a connection with the public water system, an application for service must be made to the City. The application for service shall include the address of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. The property owner shall complete installation and connection of the service line to the public water system within sixty (60) days after the application for service, except that when such time period is inequitable or unfair due to conditions beyond the control of the property owner, an extension of time within which to complete the work may be granted.

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

**90.07 PLUMBER REQUIRED.** All installations of water service pipes and connections to the water system shall be made by a State-licensed plumber.

**90.08 EXCAVATIONS.** All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with the *State Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

**90.09 TAPPING MAINS.** All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accord with the following:

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

1. Independent Services. No more than one house, building, or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building, or premises may be shut off independently of the other.
2. Sizes and Location of Taps. All mains six (6) inches or less in diameter shall receive no larger than a ¾-inch tap. All mains of over six inches in diameter shall receive no larger than a one-inch tap. Where a larger connection than a one-inch tap is desired, two or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made in the top half of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.
3. Corporation Stop. A brass corporation stop, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation stop in the main shall be of the same size as the service pipe.
4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

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

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

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

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

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

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

**90.15 INSPECTION AND APPROVAL.** All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water

system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

**90.16 COMPLETION BY THE CITY.** Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

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

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

[The next page is 429]

## CHAPTER 91

# WATER METERS

91.01 Purpose

91.02 Water Use Metered

91.03 Fire Sprinkler Systems; Exception

91.04 Location of Meters

91.05 Meter Setting

91.06 Meter Costs

91.07 Meter Repairs

91.08 Right of Entry

91.09 Separate Meter for Outside Watering

91.10 Meter Testing

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

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

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

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

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

**91.06 METER COSTS.** The full cost of any meter larger than that required for a single-family residence shall be paid to the City by the property owner or customer prior to the installation of any such meter by the City, or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City.

**91.07 METER REPAIRS.** Whenever a water meter owned by the City is found to be out of order the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

**91.08 RIGHT OF ENTRY.** The Superintendent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

**91.09 SEPARATE METER FOR OUTSIDE WATERING.** A customer may have a second water meter installed for the purpose of measuring water for irrigation, swimming pools, yard and garden watering, or other uses where the water so used does not enter the sanitary sewer system. The meter must be obtained from the City and the cost of the meter and its installation shall be at the expense of the customer. The meter must be installed where it measures only the water used for such purposes and the location of the meter must be

approved by the Superintendent. No sewer service charge shall be assessed to water usage measured on the second meter.

**91.10 METER TESTING.** The Superintendent or any designee shall make a test of the accuracy of any water meter at any time when requested in writing. If it is found that such meter overruns to the extent of five percent or more, the cost of the test shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy, but not more than five percent of the total water bill and not for a longer period than three months. If the meter is found to be accurate or slow or less than five percent fast, the user shall pay a testing charge of \$25.00.

[The next page is 433]



## CHAPTER 92

### WATER RATES

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

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

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

*(Code of Iowa, Sec. 384.84)*

**92.02 RATES FOR SERVICES.** Water service shall be furnished at the following monthly rates within the City:

*(Code of Iowa, Section 384.84[1])*

Water Usage Gallons Per Month	Water Rate (Monthly) User Pays the Rates Computed with the Following Schedule
0 to 3,000	\$35.00 minimum charge
Next 7,000	\$35.00 plus \$6.50 per 1,000 gallons over 3,000
Next 10,000	\$80.50 plus \$6.60 per 1,000 gallons over 10,000
Over 20,000	\$146.50 plus \$6.70 per 1,000 gallons over 20,000

*(Ord. 478 – Jul. 23 Supp.)*

**92.03 RATES OUTSIDE THE CITY.** Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at rates one hundred fifty percent (150%) of the rates provided in Section 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules, and regulations applying to water service established by the Council.

*(Code of Iowa, Sec. 364.4 and 384.84)*

**92.04 BILLING FOR WATER SERVICE.** Water service shall be billed as part of a combined service account, payable in accordance with the following:

*(Code of Iowa, Sec. 384.84)*

1. Bills Issued. The City Clerk shall prepare and issue bills for combined service accounts on or before the ninth day of each month.

2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the third day of the following month. Bills not paid when due shall be considered delinquent.

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

*(Code of Iowa, Sec. 384.84)*

1. Notice. The City Clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.
2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the Mayor shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. If the Mayor finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.
4. Fees. A fee of thirty dollars (\$30.00) per service to turn off and thirty dollars (\$30.00) per service to turn on during business hours and forty dollars (\$40.00) to turn on after business hours shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

**92.06 LIEN FOR NONPAYMENT.** The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

**92.07 LIEN EXEMPTION.**

*(Code of Iowa, Sec. 384.84)*

1. Water Service Exemption. The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

2. Other Service Exemption. The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of ninety (90) days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

3. Written Notice. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within ten (10) business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within thirty (30) business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership.

**92.08 LIEN NOTICE.** A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

*(Code of Iowa, Sec. 384.84)*

**92.09 CUSTOMER DEPOSITS.** There shall be required from every customer a twenty-five dollar (\$25.00) deposit intended to guarantee the payment of bills for service.

*(Code of Iowa, Sec. 384.84)*

**92.10 TEMPORARY VACANCY.** A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

[The next page is 445]

## CHAPTER 95

# SANITARY SEWER SYSTEM

95.01 Purpose  
95.02 Definitions  
95.03 Superintendent  
95.04 Prohibited Acts  
95.05 Sewer Connection Required

95.06 Service Outside the City  
95.07 Right of Entry  
95.08 Use of Easements  
95.09 Special Penalties

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

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

1. "B.O.D." (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) C, expressed in milligrams per liter or parts per million.
2. "Building drain" means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. "Building sewer" means 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 fifteen persons (1500 gpd) or less.

11. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

12. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

13. “Sanitary sewage” means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm, surface water, and industrial waste.

14. “Sanitary sewer” means a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

15. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

16. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.

17. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.

18. “Sewer” means a pipe or conduit for carrying sewage.

19. “Sewer service charges” means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.

20. “Slug” means any discharge of water, sewage, or industrial waste that in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration or flows during normal operation.

21. “Storm drain” or “storm sewer” means a sewer that carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

22. “Superintendent” means the Public Works Director of the City or any authorized deputy, agent, or representative.

23. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and that are removable by laboratory filtering.

24. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

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

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

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.

3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

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

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

*(Code of Iowa, Sec. 716.1)*

2. Surface Run-Off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain that is connected directly or indirectly to a public sanitary sewer.

3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.

4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

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

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

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

**95.05 SEWER CONNECTION REQUIRED.** The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within sixty (60) days after date of official notice from the City to do so provided that said public sewer is located within two hundred (200) feet (61 meters) 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[3ff])*

*(IAC, 567-69.1[3])*

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

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

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

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

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

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



## CHAPTER 96

### BUILDING SEWERS AND CONNECTIONS

96.01 Application for Service  
96.02 Plumber Required  
96.03 Excavations  
96.04 Connection Requirements  
96.05 Interceptors Required

96.06 Sewer Tap  
96.07 Inspection Required  
96.08 Property Owner's Responsibility  
96.09 Abatement of Violations

**96.01 APPLICATION FOR SERVICE.** No person shall make any connection to the public sewer system without first making an application for service to the City. The application for service 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 property owner shall complete construction and connection of the building sewer to the public sewer within sixty (60) days after the application for service, 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.

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

**96.03 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.

**96.04 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 ten (10) feet horizontally from a water service. The horizontal separation may be less,

provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer.

5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches.

6. Alignment and Grade. All building sewers shall be laid to a straight line to meet the following:

- A. Recommended grade at one-fourth (1/4) inch per foot.
- B. Minimum grade of one-eighth (1/8) inch per foot.
- C. Minimum velocity of 2.00 feet per second with the sewer half full.
- D. Any deviation in alignment or grade shall be made only with the written approval of the Superintendent and shall be made only with approved fittings.

7. Depth. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.

8. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

9. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in the *State Plumbing Code* except that the building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following:

- A. Clay sewer pipe – A.S.T.M. C-700 (extra strength).
- B. Extra heavy cast iron soil pipe – A.S.T.M. A-74.
- C. Ductile iron water pipe – A.W.W.A. C-151.
- D. P.V.C. – SDR26 – A.S.T.M. D-3034.

10. Bearing Walls. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall that might thereby be weakened.

11. Jointing. Fittings, type of joint and jointing material shall be compatible with the type of pipe used, subject to the approval of the Superintendent. Solvent-welded joints are not permitted.

12. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

13. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is

poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

**96.05 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.

**96.06 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.

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

**96.08 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.

**96.09 ABATEMENT OF VIOLATIONS.** Construction or maintenance of building sewer lines, whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice

from the Council of such violation. If not made within such time, the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

[The next page is 457]

## CHAPTER 97

### USE OF PUBLIC SEWERS

97.01 Storm Water  
97.02 Surface Waters Exception  
97.03 Prohibited Discharges  
97.04 Restricted Discharges

97.05 Restricted Discharges; Powers of Superintendent  
97.06 Special Facilities  
97.07 Control Manholes  
97.08 Testing of Wastes

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

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

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

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Excessive B.O.D., Solids or Flow. Any waters or wastes having (a) a five-day biochemical oxygen demand greater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) 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. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to 300 parts per million by weight, or (b) reduce the suspended solids to 350 parts per million by weight, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

**97.04 RESTRICTED DISCHARGES.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) F (65° C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances that may solidify or become viscous at temperatures between 32° F and 150° F (0° to 65° C).
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.

10. Unusual Wastes. Materials that exert or cause:
  - A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - B. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
  - C. Unusual B.O.D., chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance that, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
12. Damaging Substances. Any waters, wastes, materials, or substances that react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.
13. Untreatable Wastes. Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

**97.05 RESTRICTED DISCHARGES; POWERS OF SUPERINTENDENT.** If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

**97.06 SPECIAL FACILITIES.** If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing

facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

**97.07 CONTROL MANHOLES.** When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

**97.08 TESTING OF WASTES.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples).



## CHAPTER 98

### ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited  
98.02 When Required  
98.03 Compliance with Regulations  
98.04 Permit Required

98.05 Discharge Restrictions  
98.06 Maintenance of System  
98.07 Systems Abandoned  
98.08 Disposal of Septage

**98.01 WHEN PROHIBITED.** Except as otherwise provided in this chapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

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

**98.02 WHEN REQUIRED.** When a public sanitary sewer is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

*(IAC, 567-69.1[3])*

**98.03 COMPLIANCE WITH REGULATIONS.** The type, capacity, location, and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

*(IAC, 567-69.1[3 & 4])*

**98.04 PERMIT REQUIRED.** No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

**98.05 DISCHARGE RESTRICTIONS.** It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

*(IAC, 567-69.1[3])*

**98.06 MAINTENANCE OF SYSTEM.** The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

**98.07 SYSTEMS ABANDONED.** At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

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

**98.08 DISPOSAL OF SEPTAGE.** No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

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## CHAPTER 99

### SEWER SERVICE CHARGES

**99.01 Sewer Service Charges Required**

**99.02 Special Rates**

**99.03 Private Water Systems**

**99.04 Payment of Bills**

**99.05 Lien for Nonpayment**

**99.06 Special Agreements Permitted**

**99.01 SEWER SERVICE CHARGES REQUIRED.** Each customer shall pay a sewer service charge for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount and rate of water consumed:

Water Usage Gallons Per Month Category Per Month	Sewer Rate (Monthly) User Pays Only The Flat Fee or Rate Scheduled Below For the Category Into Which User Falls
0 to 3,000	\$35.00 Flat Fee (minimum bill)
3,000 to 6,000	\$41.00 Flat Fee
6,000 to 10,000	\$47.00 Flat Fee
10,000 to 20,000	\$54.00 Flat Fee
20,000 to 40,000	\$64.00 Flat Fee
Over 40,000	\$64.00 PLUS \$2.00/1,000 gallons over 40,000

*(Ord. 479 – Jul. 23 Supp.)*

**99.02 SPECIAL RATES.** Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.01 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution.

*(Code of Iowa, Sec. 384.84)*

**99.03 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 provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

**99.05 LIEN FOR NONPAYMENT.** Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

**99.06 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 475]

## CHAPTER 105

### SOLID WASTE CONTROL

105.01 Purpose  
105.02 Definitions  
105.03 Sanitary Disposal Required  
105.04 Health and Fire Hazard  
105.05 Open Burning Restricted  
105.06 Separation of Yard Waste Required

105.07 Littering Prohibited  
105.08 Open Dumping Prohibited  
105.09 Toxic and Hazardous Waste  
105.10 Waste Storage Containers  
105.11 Prohibited Practices

**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[2])*
3. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities that are used or are intended to be used for living, sleeping, cooking, and eating.
4. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.  
*(IAC, 567-100.2)*
5. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.  
*(IAC, 567-20.2[455B])*
6. “Litter” means any garbage, rubbish, trash, refuse, waste materials, or debris.  
*(Code of Iowa, Sec. 455B.361[1])*
7. “Owner” means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
8. “Refuse” means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.  
*(IAC, 567-100.2)*
9. “Residential premises” means a single-family dwelling and any multiple-family dwelling up to and including four (4) separate dwelling units.

10. “Residential waste” means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes and any locally recyclable goods or plastics.

(IAC, 567-20.2[455B])

11. “Rubbish” means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

(IAC, 567-100.2)

12. “Sanitary disposal” means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

13. “Sanitary disposal project” means all facilities and appurtenances (including all real and personal property connected with such facilities) that are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources.

(Code of Iowa, Sec. 455B.301)

14. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:

(Code of Iowa, Sec. 455B.301)

A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.

B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.

C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

D. Petroleum contaminated soil that has been remediated to acceptable State or Federal standards.

E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

**105.03 SANITARY DISPOSAL REQUIRED.** It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner’s premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

**105.04 HEALTH AND FIRE HAZARD.** It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

**105.05 OPEN BURNING RESTRICTED.** No open burning is allowed without a properly issued permit from the Mapleton Fire Department. 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:

*(IAC, 567-23.2[455B] and 567-100.2)*

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

*(IAC, 567-23.2[3a])*

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

*(IAC, 567-23.2[3b])*

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

*(IAC, 567-23.2[3c])*

4. Recreational Fires. Open fires for cooking, heating, recreation, and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.

*(IAC, 567-23.2[3e])*

5. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in firefighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

*(IAC, 567-23.2[3g])*

6. 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.

*(IAC, 567-23.2[3h])*

7. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

*(IAC, 567-23.2[3i])*

8. Controlled Burning of a Demolished Building. The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.

*(IAC, 567-23.2[3j])*

9. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

*(IAC, 567-23.2[2])*

**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 may be composted on the premises. As used in this section, “yard waste” means any debris such as grass clippings, leaves, garden waste, brush, and trees. Yard waste does not include tree stumps.

**105.07 LITTERING PROHIBITED.** No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

*(Code of Iowa, Sec. 455B.363)*

**105.08 OPEN DUMPING PROHIBITED.** No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of rubble at places other than a sanitary disposal project. “Rubble” means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. Rubble includes asphalt waste only as long as it is not used in contact with water or in a flood plain. For purposes of this section, rubble does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or industrial process wastes unless those wastes are approved by the State Department of Natural Resources.

*(Code of Iowa, Sec. 455B.301, Sec. 455B.307 and IAC, 567-100.2)*

**105.09 TOXIC AND HAZARDOUS WASTE.** No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources. As used in this section, “toxic and hazardous waste” means waste materials, including (but not limited to) poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials, and similar harmful waste that requires special handling and that must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

*(IAC, 567-100.2)*

*(IAC, 567-102.13[2] and 400-27.14[2])*

**105.10 WASTE STORAGE CONTAINERS.**

1. Residential Containers. Each residential premises shall utilize the solid waste containers supplied by the collector.
2. Commercial Containers. 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 is impractical, shall utilize metal bulk storage containers supplied by the collector.

3.       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.

4.       Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed outdoors at some easily accessible place by the owner or occupant of the premises served.

5.       Nonconforming Containers. Solid waste placed in containers that are not in compliance with the provisions of this section will not be collected.

**105.11   PROHIBITED PRACTICES.** It is unlawful for any person to:

1.       Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2.       Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3.       Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid, or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

4.       Scavenging. Take or collect any solid waste that has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

[The next page is 485]

## CHAPTER 106

### COLLECTION OF SOLID WASTE

106.01 Collection Service  
106.02 Collection Vehicles  
106.03 Loading  
106.04 Frequency of Collection  
106.05 Bulky Rubbish

106.06 Right of Entry  
106.07 Contract Requirements  
106.08 Collection Fees  
106.09 Lien for Nonpayment

**106.01 COLLECTION SERVICE.** The City shall provide by contract for the collection of 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.

*(IAC, 567-104.9[455B])*

**106.03 LOADING.** Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

**106.04 FREQUENCY OF COLLECTION.** All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

**106.05 BULKY RUBBISH.** Bulky rubbish 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.

**106.06 RIGHT OF ENTRY.** Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

**106.07 CONTRACT REQUIREMENTS.** No person shall engage in the business of collecting, transporting, processing or disposing of solid waste 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 therefor in accordance with the following:

*(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)*

As of May 1, 2024

1. Fees. The fees for solid waste collection and disposal service, used or available, for each residential premises and for each dwelling unit of multiple-family dwelling are \$10.25 plus \$3.23 landfill charges and \$1.50 City retainage for a total of \$14.98 per month for the use of a 65-gallon container and \$10.25 plus \$5.38 landfill charges and \$1.50 City retainage for a total of \$17.13 per month for the use of a 95-gallon container. A fifty-cent (\$.50) delinquent charge shall be assessed if the bill is not paid by the due date.

As of March 1, 2026

2. Fees. The fees for solid waste collection and disposal service, used or available, for each residential premises and for each dwelling unit of multiple-family dwelling are \$10.58 plus \$3.23 landfill charges and \$1.50 City retainage for a total of \$15.31 per month for the use of a 65-gallon container and \$10.58 plus \$5.38 landfill charges and \$1.50 City retainage for a total of \$17.46 per month for the use of a 95-gallon container. A fifty-cent (\$.50) delinquent charge shall be assessed if the bill is not paid by the due date.

As of March 1, 2028

3. Fees. The fees for solid waste collection and disposal service, used or available, for each residential premises and for each dwelling unit of multiple-family dwelling are \$10.90 plus \$3.23 landfill charges and \$1.50 City retainage for a total of \$15.63 per month for the use of a 65-gallon container and \$10.90 plus \$5.38 landfill charges and \$1.50 City retainage for a total of \$17.78 per month for the use of a 95-gallon container. A fifty-cent (\$.50) delinquent charge shall be assessed if the bill is not paid by the due date.

*(Subsections 1-3 – Ord. 484 – Feb. 25 Supp.)*

4. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

**106.09 LIEN FOR NONPAYMENT.** Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

[The next page is 501]

## CHAPTER 110

### GAS UTILITY

110.01 Establishment	110.11 Delinquencies
110.02 Duties of Superintendent	110.12 Temporary Discontinuance
110.03 Rates	110.13 Service Discontinued without Notice
110.04 Categories of Service	110.14 Service Discontinued with Notice
110.05 Rates Uniform	110.15 Exceptions
110.06 Right to Enter and Read Meter	110.16 Customer Requested Meter Tests
110.07 Shutting Off Gas	110.17 Returned Checks
110.08 Rules Adopted	110.18 Late Payment Penalty
110.09 Other Services and Charges	110.19 Extension of Main and Service Lines
110.10 Customer Guaranteed Deposits	

**110.01 ESTABLISHMENT.** A Municipal Gasworks is established as authorized by vote of an election on April 9, 2002.

**110.02 DUTIES OF SUPERINTENDENT.** The Gas Superintendent shall supervise the gas system and enforce all regulations pertaining to the gas system. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the gas system, subject to the approval of the Council. In the event of any emergency the Superintendent may make temporary rules for the protection of the system, until due consideration by the Council may be undertaken.

**110.03 RATES.** The Mayor and City Council shall, by ordinance, set the rates for gas services furnished by the City, which rates shall be uniform for each class of consumer. The rates for gas services may be changed from time to time by the Mayor and City Council, by ordinance, and such change may reflect an increase or decrease in established rates, so long as the changed rates are uniform for each class of consumer. Current gas rates are as follows:

1. Residential General Service Natural Gas Rate Schedule:
  - A. Customer Charge: \$10.00.
  - B. Distribution Rate Per Therm: .3500.
  - C. Purchased Gas Adjustment. This rate and the bill for service rendered thereunder may be adjusted from month to month to reflect the cost of the commodity "Purchased Gas" charged to the City by its natural gas supplier and the interstate pipeline transportation. The purpose of PGA is to allow the City to recoup the total cost on a monthly basis for the gas cost, transportation of the gas, and any other cost of services during that period.
2. Small Commercial Service Natural Gas Rate Schedule:
  - A. Customer Charge: \$10.00.
  - B. Distribution Rate Per Therm: .3500.
  - C. Purchased Gas Adjustment. This rate and the bill for service rendered thereunder may be adjusted from month to month to reflect the cost of the commodity "Purchased Gas" charged to the City by its natural gas supplier and the interstate pipeline transportation. The purpose of PGA is to allow the

City to recoup the total cost on a monthly basis for the gas cost, transportation of the gas and any other cost of services that period.

3. Large Commercial Service Natural Gas Rate Schedule:

A. Customer Charge: \$55.00.

B. Distribution Rate Per Therm: .3500.

C. Purchased Gas Adjustment. This rate and the bill for service rendered thereunder may be adjusted from month to month to reflect the cost of the commodity "Purchased Gas" charged to the City by its natural gas supplier and the interstate pipeline transportation. The purpose of PGA is to allow the City to recoup the total cost on a monthly basis for the gas cost, transportation of the gas and any other cost of services that period.

**110.04 CATEGORIES OF SERVICE.** The Council, by resolution, shall from time to time establish various rate categories according to cost, service, amount, whether interruptible or standby, as well as provide for minimum charges, late payment penalty, and connection or reconnection charges.

**110.05 RATES UNIFORM.** Within the various categories, all charges made and established shall be of uniform application to all users within said category.

**110.06 RIGHT TO ENTER AND READ METER.** Authorized City employees shall have the authority to enter the premises of any customer at reasonable hours to read and/or remove the gas meter or change said meter in the pursuit of maintenance and safety programs.

**110.07 SHUTTING OFF GAS.** The Gas Superintendent or an authorized employee may shut off the gas supply to a customer when said customer may be affecting the safety or proper operation of the system.

**110.08 RULES ADOPTED.** Rules and regulations pertaining to the operation and maintenance of the City's natural gas system have been adopted and are on file with the City Clerk.

**110.09 OTHER SERVICES AND CHARGES.** The City may purchase or furnish and establish charges for such services in connection with the natural gas system as the Council, by resolution, may approve from time to time.

**110.10 CUSTOMER GUARANTEED DEPOSITS.** The applicant and resident of the premises served shall be liable for the gas service provided. A deposit not exceeding the highest monthly billing for service during the previous twelve (12) months shall be required from all applicants without a satisfactory credit rating established with the utility. No residential customer shall be disconnected during the period of November 1 to April 1 of any year due to nonpayment of a deposit. A delinquent deposit shall be subject to the late payment penalties which normally accrue on an unpaid bill. A receipt shall be given for all such deposits. If such receipts are lost by the customer, a duplicate may be issued if the customer will provide identification to the City. All deposits shall be refunded at the request of the customer after 12 consecutive months of prompt payment. This time period may be extended when the City has evidence that continued retention of the deposit is required to insure payment of bills of service. Refund will be made upon discontinuance of service due to

customers moving from the City's service area. The deposit may be applied in whole or in part against the final bill.

**110.11 DELINQUENCIES.** Where the gas supply to a customer has been discontinued for the nonpayment of delinquent bills or deposits, a charge of twenty-five dollars (\$25.00) will be made for reconnection of gas service, but the reconnection will not be made until after all delinquent bills and deposits and other charges, if any, owed by the customer to the City have been paid.

**110.12 TEMPORARY DISCONTINUANCE.** When any customer desires to discontinue the gas service to his or her premises, the charges shall be as follows:

1. No charge shall apply for disconnections of short durations made for such purposes as changes in customer piping, appliances, remodeling, and construction.
2. When the period of disconnection includes a billing period for which no minimum bill is assessed, there shall be a charge of forty dollars (\$40.00) to turn off and forty dollars (\$40.00) to turn on.

**110.13 SERVICE DISCONTINUED WITHOUT NOTICE.** Service may be discontinued, without notice, in the event of the following: (i) a condition which is determined by the City to be hazardous to life or property; (ii) the customer's use of equipment in such a manner as to adversely affect the City's equipment or the service of the City to other customers; or (iii) the customer has tampered with the equipment furnished and owned by the City. However, no disconnection without notice will be made for tampering with equipment furnished and owned by the City on the day preceding a day or days on which the City's business office is closed, unless such tampering would be reasonably hazardous to life or property or would adequately affect the City's equipment or the service of the City to other customers.

**110.14 SERVICE DISCONTINUED WITH NOTICE.** Written notice will be given by first class United States mail, postage prepaid, deposited at the United States Post Office not less than five (5) days, excluding Sundays and legal holidays, before service to any customer will be discontinued. However, if written notice is being given because of nonpayment of a bill for service or failure to provide either a deposit or an additional deposit, the time frames and conditions governing written notice and disconnection shall be as listed in subsection 5 of this section. Discontinuation or refusal of service, with written notice, may be for any of the following causes:

1. A customer may be disconnected or refused service for violation of or noncompliance with the City rules on file with the State Utilities Board or on file in the office of City Clerk.
2. A customer may be disconnected or refused service for any of the following reasons: the failure of the customer or prospective customer to furnish such service equipment, permits, certificates or rights-of-way, as are specified to be furnished in the City's rules as conditions for obtaining service; the customer's withdrawal of the necessary service equipment; the customer's termination of the necessary permits or rights-of-way; or the failure of the customer or prospective customer to fulfill the contractual obligations which are either imposed upon the customer as conditions of obtaining service or by any contract filed with and subject to the regulatory authority of the Iowa Utilities Board.

3. A customer may be disconnected or refused service for either the fraudulent or unauthorized use of gas service or the resale of gas.
4. A customer may be disconnected or refused service for failure to permit the City reasonable access to its equipment.
5. A customer may be disconnected or refused service for the nonpayment of a bill for service or for failure of the customer to provide the City with a deposit, or additional deposit, provided that the City has done the following:
  - A. Made a reasonable attempt to effect collection.
  - B. Given the customer written notice that the customer has twelve (12) days in which to make a settlement, together with a written summary of rights and remedies and who should be contacted. The written summary will include (but is not limited to) a statement on the City's budget billing policy, a statement on the City's policy on reasonable agreement to pay, and a statement that the customer may contact the billing office for any questions or disputes concerning the bill.
  - C. Mailed a copy of the written notice and summary to a person or agency designated by the customer in the customer's application for gas service, if designated.
  - D. Made a good faith effort to contact the customer by telephone or in person to inform the customer of the pending disconnection and the customer's rights and remedies. During the period November 1 to April 1, if the attempt fails, the premises must be posted with a notice informing the customer of the same information at least one day prior to the disconnection. The oral explanation of the pending disconnection, the rights and remedies of the customer, and the substance of the posted notice will substantially conform to the information given in the original notice and the written summary of rights and remedies.
  - E. Given the customer reasonable opportunity to dispute the reason for the disconnection and, if financial difficulty is confirmed, an opportunity to enter into a reasonable agreement to pay in accord with "reasonable agreement to pay" provision of the Iowa Utilities Board. Such disconnection of a residential customer may not take place on a weekend, a holiday, or after 2:00 p.m., unless the City is prepared to reconnect the same day, and may not take place when the temperature for the remainder of the day is predicted to be less than 20 degrees Fahrenheit. During the period November 1 to April 1, disconnection shall be postponed if the discontinuation of service would present a special danger to the health of the customer or any permanent resident of the premises; however, the utility may require verification of the special danger by a physician or a public health or social service official. Verification shall postpone disconnection for thirty (30) days. The postponement may be extended by renewal of the verification. A special danger to health is indicated if one appears to be seriously impaired and may, because of mental or physical problems, be unable to manage his or her own resources, carry out activities of daily living or protect oneself from neglect or hazardous situations without assistance from others. Indicators of a special danger to health include (but are not limited to) age, infirmity, mental incapacitation, serious illness, physical disability, including blindness and



limited mobility, and any other factual circumstances which indicate a severe or hazardous health situation.

6. A customer may be disconnected or refused service for failure to provide the utility with a deposit, as authorized by the City's service rules.

**110.15 EXCEPTIONS.** No service will be discontinued, after notice, on the day preceding a day or days on which the City's business office is closed.

**110.16 CUSTOMER REQUESTED METER TESTS.** A customer shall be charged thirty dollars (\$30.00) for each customer requested meter test where the meter is found to be within the allowable tolerance.

**110.17 RETURNED CHECKS.** A service charge of fifteen dollars (\$15.00) shall apply to each check returned for insufficient funds by the bank on which it is drawn.

**110.18 LATE PAYMENT PENALTY.** Payments received by the Municipal Utility on or after the delinquent date shall include a late payment penalty of 1.5 percent per month of the last due amount.

**110.19 EXTENSION OF MAIN AND SERVICE LINES.** The utility shall extend gas mains without charge to the customer, except where the governing body of the utility determines that extension costs are not justified by the anticipated revenues. In such cases, the customer contribution shall be determined by the governing body on a case-by-case basis. In making such determination, the governing body shall consider the estimated construction costs, the estimated revenue, and any contributions made by similarly situated customers.

[The next page is 513]

## CHAPTER 111

### FRANCHISES REQUIRED

111.01 Franchise Required  
111.02 User Fee  
111.03 Granting of Franchise

111.04 Utility Systems Prohibited  
111.05 Violation

**111.01 FRANCHISE REQUIRED.** No person or other entity shall erect, maintain, and operate plants and systems for electric light and power, heating, telegraph, cable television, district telegraph and alarm, cable communication or communication system of any type, motor bus, trolley bus, street railway or other public transit, waterworks, or gasworks within the City without a franchise from the City.

**111.02 USER FEE.** Any person or other entity operating in violation of Section 111.01 shall pay to the City a user fee of three percent of gross revenue derived from any sales through the distribution system within the City. Said payment is a form of rent and grants no rights to any person or other entity. Any person or entity (whether paying a user fee or not) may be ejected from public property if operating without a franchise; and in addition, the City reserves to itself all rights and remedies it may have at law, in equity, or otherwise against such persons or other entities.

**111.03 GRANTING OF FRANCHISE.** No franchise or permit giving or granting to any person or entity the right or privilege to erect, construct, operate, maintain, or use any natural gas pipeline, natural gas system, electric light and power system, waterworks, cable communications, or communications system of any type within the City in order to sell or distribute or provide non-municipal natural gas, electrical power, and energy or communication to any user or consumer within the City, or to use the streets or alleys of the City for such purpose or to interconnect any building, structure, or facility of any kind to any natural gas pipeline or system, electrical line or system other than to the natural gas or electrical system of the City shall be given or granted, unless such franchise or permit be given or granted by ordinance. No such ordinance shall be considered until after the question of the granting of any franchise necessary for such purpose and required by law shall be submitted to and approved by a majority of the qualified electors of the City at an election held for such purposes at the expense of the applicant for such franchise (unless such election is prohibited by State or federal law).

**111.04 UTILITY SYSTEMS PROHIBITED.** Unless a franchise has been granted under the provisions of Section 111.01, no person shall erect, construct, operate, maintain or use any natural gas pipeline, natural gas system, electric light and power system, waterworks, or communications system within the City in order to sell or distribute or provide non-municipal natural gas, electrical power and energy, or communication to any user or consumer within the City, or use the streets or alleys of the City for such purpose or interconnect any building, structure or facility of any kind to any natural gas pipeline or system, electrical line or system, or communication other than to a system of the City.

**111.05 VIOLATION.** If any person, firm, or corporation constructs, operates, or maintains any natural gas pipeline, natural gas system, electric light and power system, waterworks, cable communication system, or other communications systems or sells or

distributes any natural gas, electricity or communication within the City, or makes any connection with gas or electrical lines or communication systems contrary to the provisions of this chapter, then the City Attorney may commence an action in the name of and on behalf of the City for suitable and appropriate legal, equitable, or other relief, including (but not limited to) an order ejecting said person or other entity from the public right-of-way and directing the removal of all personal property from said public right-of-way at the sole cost of said person or other entity.

[The next page is 565]

## CHAPTER 115

# CEMETERY

### 115.01 Definition

### 115.02 Records

### 115.03 Sale of Interment Rights

### 115.04 Rules and Regulations

**115.01 DEFINITION.** The term “cemetery” means the Mt. Hope Cemetery, which is a municipal cemetery under the provisions of Chapter 523I of the *Code of Iowa* and which shall be operated under the provisions of Chapter 523I of the *Code of Iowa* and this chapter.

*(Code of Iowa, Sec. 523I.501)*

**115.02 RECORDS.** It is the duty of the Clerk to make and keep complete records identifying the owners of all interment rights sold by the cemetery and historical information regarding any transfers of ownership. The records shall include all of the following:

*(Code of Iowa, Sec. 523I.311)*

1. Sales or Transfers of Interment Rights.
  - A. The name and last known address of each owner or previous owner of interment rights.
  - B. The date of each purchase or transfer of interment rights.
  - C. A unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the cemetery.
2. Interments.
  - A. The date the remains are interred.
  - B. The name, date of birth, and date of death of the decedent interred, if those facts can be conveniently obtained.
  - C. A unique numeric or alphanumeric identifier that identifies the location of each interment space where the remains are interred.

**115.03 SALE OF INTERMENT RIGHTS.** The sale or transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by Chapter 523I of the *Code of Iowa*. The payment of all fees and charges shall be made at the office of the Clerk where receipts will be issued for all amounts paid. Said fees and charges shall be based upon the charges as established by the Council.

*(Code of Iowa, Sec. 523I.310)*

**115.04 RULES AND REGULATIONS.** Rules and regulations for the cemetery may be adopted, and may be amended from time to time, by resolution of the Council and may cover such things as the use, care, control, management, restrictions and protection of the cemetery as necessary for the proper conduct of the business of the cemetery. The rules shall specify the cemetery’s obligations in the event that interment spaces, memorials, or memorializations are damaged or defaced by acts of vandalism. Any veteran, as defined in Section 35.1 of the *Code of Iowa*, who is a landowner or who lives within the City shall be allowed to purchase an

interment space and to be interred within the cemetery. In addition, any veteran who purchases an interment space within the cemetery shall be allowed to purchase an interment space for interment of the spouse of the veteran if such a space is available, and the surviving spouse of a veteran interred within the cemetery shall be allowed to purchase an interment space and be interred within the cemetery if such a space is available.

*(Code of Iowa, Sec. 523I.304)*

[The next page is 581]

## CHAPTER 120

# LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required  
120.02 General Prohibition  
120.03 Investigation

120.04 Action by Council  
120.05 Prohibited Sales and Acts  
120.06 Amusement Devices

**120.01 LICENSE OR PERMIT REQUIRED.** No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit, or beer permit in accordance with the provisions of Chapter 123 of the *Code of Iowa*.

*(Code of Iowa, Sec. 123.22, 123.122, and 123.171)*

**120.02 GENERAL PROHIBITION.** It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations, and restrictions enumerated in Chapter 123 of the *Code of Iowa*, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

*(Code of Iowa, Sec. 123.2, 123.39, and 123.50)*

**120.03 INVESTIGATION.** Upon receipt of an application for a retail alcohol license, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license for any premises that does not conform to the applicable law and ordinances, resolutions, and regulations of the City. *(Ord. 477 – Jul. 23 Supp.)*

*(Code of Iowa, Sec. 123.30)*

**120.04 ACTION BY COUNCIL.** The Council shall either approve or disapprove the issuance of a retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the Alcoholic Beverages Division.

*(Ord. 477 – Jul. 23 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])*

*(Section 120.05 – Ord. 477 – Jul. 23 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. 477 – Jul. 23 Supp.)*

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## CHAPTER 121

# CIGARETTE AND TOBACCO PERMITS

121.01 Definitions  
121.02 Permit Required  
121.03 Application  
121.04 Fees  
121.05 Issuance and Expiration

121.06 Refunds  
121.07 Persons Under Legal Age  
121.08 Self-Service Sales Prohibited  
121.09 Permit Revocation

**121.01 DEFINITIONS.** For use in this chapter the following terms are defined:  
*(Code of Iowa, Sec. 453A.1)*

1. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
3. “Place of business” means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.
4. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.
5. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
6. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.
7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product”

includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

### **121.02 PERMIT REQUIRED.**

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

*(Code of Iowa, Sec. 453A.13)*

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

*(Code of Iowa, Sec. 453A.47A)*

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

**121.03 APPLICATION.** A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

*(Code of Iowa, Sec. 453A.13 & 453A.47A)*

**121.04 FEES.** The fee for a retail cigarette or tobacco permit shall be as follows:

*(Code of Iowa, Sec. 453A.13 & 453A.47A)*

<b>FOR PERMITS GRANTED DURING:</b>	<b>FEE:</b>
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

**121.05 ISSUANCE AND EXPIRATION.** Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit, and any permit issued, to the Alcoholic Beverages Division of the Department of Commerce within thirty (30) days of issuance.

**121.06 REFUNDS.** A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

*(Code of Iowa, 453A.13 & 453A.47A)*

**121.07 PERSONS UNDER LEGAL AGE.** 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])*

*(Section 121.07 – Ord. 462 – Oct. 20 Supp.)*

**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 thirty (30) days of the revocation or suspension.

*(Code of Iowa, Sec. 453A.22)*

## CHAPTER 122

# PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Definitions	122.07 License Fees
122.02 License Required	122.08 Bond Required
122.03 License Exemptions	122.09 Display of License
122.04 Religious and Charitable Organizations	122.10 License Nontransferable
122.05 License Application	122.11 Rebates
122.06 License Issued	

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

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any order for goods, subscriptions, or merchandise to be delivered at a future date.
3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases, or occupies any building or structure whatsoever. 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.

**122.02 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.

**122.03 LICENSE EXEMPTIONS.** The following are excluded from the application of this chapter.

1. Newspaper boys and girls.
2. Members of local Boy Scout, Girl Scout, Campfire Girls, 4-H Clubs, Future Farmers of America, and similar organizations.
3. Farmers who offer for sale products of their own raising.
4. Students representing or conducting projects sponsored by organizations recognized by the schools located in the Maple Valley/Anthon-Oto Community School District or school districts having a relationship with such district.
5. Persons who deliver dairy, frozen food, and food products with established routes and who act primarily as delivery persons who only incidentally solicit additional business or make special sales.

**122.04 RELIGIOUS AND CHARITABLE ORGANIZATIONS.** Authorized representatives of religious and charitable organizations desiring to solicit money or to



distribute literature are exempt from the operation of Sections 122.05 through 122.11 of this chapter. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amounts thereof. If the Clerk finds that the organization is a bona fide charity or religious organization, the Clerk shall issue, free of charge, a license containing the above information to the applicant.

**122.05 LICENSE APPLICATION.** 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, business address, if any, physical description, recent photograph, right thumbprint, and, unless a solicitor, shall be accompanied by a certificate that the applicant is in good health and free from contagious diseases, signed by a local physician. The application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business, and the length of time sought to be covered by the license. An application fee of ten dollars (\$10.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

**122.06 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.

**122.07 LICENSE FEES.** The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. For one day or any part thereof – \$10.00
2. For more than one day up to one week – \$5.00 per day
3. For one week – \$25.00
4. For more than one week but not more than one month – \$20.00 per week and \$5.00 for any day or fraction thereof.
5. For one month – \$50.00

**122.08 BOND REQUIRED.** Before a license under this chapter is issued, each applicant shall post a bond of \$500.00 with the Clerk. Such bond shall be conditioned to indemnify and pay the City for any penalties or costs occasioned by the enforcement of this chapter and shall not be retired until after a lapse of 30 days from the expiration of each license.

**122.09 DISPLAY OF LICENSE.** Each solicitor or peddler shall, at all times while doing business in the City, keep in his or her possession the license provided for in Section 122.06 of this chapter 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.

**122.10 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.

**122.11 REBATES.** Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least ten dollars (\$10.00) of the original fee shall be retained by the City to cover administrative costs.

[The next page is 595]



## CHAPTER 123

### HOUSE MOVERS

123.01 House Mover Defined  
123.02 Permit Required  
123.03 Application  
123.04 Bond Required  
123.05 Insurance Required  
123.06 Permit Fee

123.07 Permit Issued  
123.08 Public Safety  
123.09 Time Limit  
123.10 Removal by City  
123.11 Protect Pavement  
123.12 Overhead Wires

**123.01 HOUSE MOVER DEFINED.** A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies, or any other specialized moving equipment.

**123.02 PERMIT REQUIRED.** It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved. Buildings of less than one hundred (100) square feet are exempt from the provisions of this chapter.

**123.03 APPLICATION.** Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the utility superintendent, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

**123.04 BOND REQUIRED.** The applicant shall post with the Clerk a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

**123.05 INSURANCE REQUIRED.** Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury – \$50,000 per person; \$100,000 per accident.
2. Property Damage – \$50,000 per accident.

**123.06 PERMIT FEE.** A permit fee of fifty dollars (\$50.00) shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

**123.07 PERMIT ISSUED.** Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

**123.08 PUBLIC SAFETY.** At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flag persons at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

**123.09 TIME LIMIT.** No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

**123.10 REMOVAL BY CITY.** In the event any building or similar structure is found to be in violation of Section 123.09 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

**123.11 PROTECT PAVEMENT.** It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

**123.12 OVERHEAD WIRES.** The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

[The next page is 599]

## CHAPTER 124

# MOBILE FOOD VENDORS

124.01 Definitions  
124.02 Permit Required  
124.03 Permit Application  
124.04 Location

124.05 Operating Standards  
124.06 License Fees  
124.07 Denial of Permit  
124.08 Appeals

### 124.01 DEFINITIONS.

1. “Mobile food unit” means a self-contained motorized vehicle, trailer, pushcart, or other similar implement, designed or used to prepare, sell, or serve food or beverages.
2. “Mobile food vendor” means a person engaged in the business of selling food or beverages from a mobile food unit.

**124.02 PERMIT REQUIRED.** It shall be unlawful for any person to prepare, sell, or serve food or beverages to the public from a mobile food unit within the corporate limits of the City without first obtaining a mobile food vendor permit from the City. This permit is in addition to any other State or federal permits, certifications, and licenses required of mobile food vendors. A mobile food vendor permit shall be subject to the following:

1. A mobile food vendor permit is required each day the mobile food vendor intends to operate within the City limits. Permits may be obtained in advance of the day the mobile food vendor intends to operate.
2. Permits expire at 2:00 a.m. CST the day after the date for which the permit is issued.
3. Mobile food units shall comply with the State of Iowa requirements for health inspections, licensing, safety, and fire code requirements and display its licensing in full view of the public in or on the unit.
4. The following shall be exempt from the requirements of this section:
  - A. Vendors granted permission in conjunction with a community permitted special event;
  - B. Nonprofit, community organizations, and individuals conducting not-for-profit or fundraising activities; and
  - C. Temporary booths or mobile food units operated by City residents earning \$2,000 or less in annual revenue, and where no alcoholic beverages are sold.

### 124.03 PERMIT APPLICATION.

1. Filing. Permit applications shall be filed with the City Clerk. No application request shall be accepted unless it conforms to the requirements of this chapter. This includes a completed application, all of the required materials and information prescribed, and the required application fee.

2. Application Contents. Application must include the following information:
  - A. Full name of the applicant.
  - B. Applicant's contact information including mailing address, phone number, and email address.
  - C. State health inspection certificate with the classification level of the State license.
  - D. Photographs of the mobile food unit from the front, side, and back.
  - E. Make, model, and year of the vehicle to be used and license plate number.
  - F. Approvals, if any, of food establishment owners within one hundred fifty (150) feet of the expected operating area of the mobile food unit.
3. Nonconforming Applications. Applications not meeting the requirements of this chapter shall be rejected. If an application is rejected, the applicant may correct and re-submit the application during regular business hours.

**124.04 LOCATION.** A mobile food unit may be parked on public property or street as approved in the licensing application or as part of a City approved event. Mobile food units are prohibited from parking within one hundred fifty (150) feet on the main entrance of an establishment that sells prepared food or beverages from one (1) hour before the establishment's opening to one (1) hour after closing without approval from the food establishment owner.

**124.05 OPERATING STANDARDS.** Mobile food vendors must adhere to the following regulations:

1. Mobile food units within three hundred (300) feet of property used or zoned for residential purposes shall only operate between the hours of 7:00 a.m. and 10:00 p.m.
2. Mobile food units shall only serve patrons who are on foot; no drive-up service to the mobile food unit shall be provided or allowed.
3. All mobile food units shall maintain a minimum separation from buildings of ten (10) feet as measured to the closes building element including awnings or canopies, tents, or membrane structures. Location of the mobile food unit shall not impede pedestrians entering or exiting a building.
4. The window or area where a patron orders and receives their purchase shall be located so as not to require a patron to stand, or create a line, that may cause pedestrians to be in the public right-of-way, vehicle travel lane, including parking lot drive aisles, or similar situation that may create a potential safety hazard. Adequate space for patrons waiting for their order must be available on the property where the mobile food unit is located.
5. Signs are limited to those that are attached to the exterior of the mobile unit and must be mounted flat against the unit and not projects more than six (6) inches from the exterior of the unit. No freestanding signs, banners, flags, or similar items are allowed. Off premises signs directing patrons to the mobile food unit are prohibited.



6. During business hours, the mobile food vendor shall provide a trash receptacle for use by customers and shall keep the area around the mobile food unit clear of litter and debris at all times.

7. All mobile food units shall be located in such a manner as to not create a safety hazard, such as blocking emergency access to buildings and the site, obstructing access to fire hydrants, impeding entering and exiting from a building, creating a visual impediment for the motoring public at drive entrances, intersections, pedestrian crossings, or similar movement and access.

**124.06 LICENSE FEES.** At the time of permit application, the applicant shall pay to the City the applicable application fee. The fee will be set by resolution of the City Council and may be modified from time to time as the Council deems appropriate.

**124.07 DENIAL OF PERMIT.** The City may deny a permit to a mobile food vendor for any of the following reasons:

1. The applicant has made fraudulent statements in his/her application for the permit or in the conduct of his/her business.
2. The applicant has violated this chapter or any other chapter of this Code or has otherwise conducted his/her business in an unlawful manner.
3. The applicant has conducted his/her business in such a manner as to endanger the public welfare, safety, order, or morals.
4. The City has received and investigated three (3) or more found complaints during the previous twelve (12) months related to the manner in which the licensee is conducting business.

**124.08 APPEALS.** The applicant may appeal the permit denial to the City Council at its next regularly scheduled meeting by filing with the City Clerk or the City Clerk's designee a written request for an appeal to the City Council at least seven (7) days prior to the meeting. The City Council may affirm, modify, or reverse the decision to deny the permit. If denial is affirmed, no refund of any fee paid shall be made. Upon the denial of a permit, the applicant is not eligible for the issuance of a new permit under this chapter for a period of one (1) year from the date the permit denial is personally provided to the applicant or deposited in the U.S. Mail to the address listed in the application.

*(Ch. 124 – Ord. 469 – Jun. 21 Supp.)*

[The next page is 621]

## 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 therefor. A written application for such permit shall be filed with the City and shall contain the following:
  - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
  - B. A statement of the purpose, for whom and by whom the excavation is to be made;
  - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
  - D. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets and alleys shall be opened in the manner that will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.
4. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of one thousand dollars (\$1,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of \$1,000.00 may be filed with the City.
5. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
  - A. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
  - B. Property Damage - \$50,000.00 per accident.
6. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
7. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, 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 twenty-four (24) hours prior to the time when inspection of backfill is desired.

8. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner.

9. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

10. Notification. At least forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the *Code of Iowa*.

11. Permit Fee. A permit fee of fifty dollars (\$50.00) shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.

12. 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.<sup>†</sup>

*(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])*

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<sup>†</sup> **EDITOR'S NOTE:** See also Section 136.04 relating to property owner's responsibility for maintenance of sidewalks.

**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 627]

## 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. "Defective sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:
  - A. Vertical separations equal to three-fourths ( $\frac{3}{4}$ ) inch or more.
  - B. Horizontal separations equal to one (1) inch or more.
  - C. Holes or depressions equal to three-fourths ( $\frac{3}{4}$ ) inch or more and at least four (4) inches in diameter.
  - D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to one-half ( $\frac{1}{2}$ ) inch or more.
  - E. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths ( $\frac{3}{4}$ ) inch or more.
  - F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
  - G. A sidewalk with any part thereof missing to the full depth.
  - H. A change from the design or construction grade equal to or greater than three-fourths ( $\frac{3}{4}$ ) inch per foot.
3. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
4. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.

5. “Owner” means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, “owner” includes the lessee, if any.
6. “Portland cement” means any type of cement except bituminous cement.
7. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
8. “Sidewalk improvements” means the construction, reconstruction, repair, replacement, or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
9. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

**136.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS.** 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 & e])*

**136.04 PROPERTY OWNER’S RESPONSIBILITY FOR MAINTENANCE.** The abutting property owner shall repair, replace, or reconstruct, or cause to be repaired, replaced, or reconstructed, all broken or defective sidewalks and 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 & 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 twenty-five dollars (\$25.00).



**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:
  - A. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than four (4) feet in length.
  - B. All sidewalks throughout the Business District shall be constructed from lot line to the curb line unless the location of the sidewalk is varied by an appropriate resolution of the Council upon application by the landowner.
  - C. Driveway areas shall be not less than six (6) inches in thickness.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council establishes a different distance due to special circumstances.
7. Grade. Curb tops shall be on level with the centerline of the street, which is the established grade.
8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half ( $\frac{1}{2}$ ) inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall slope one-quarter ( $\frac{1}{4}$ ) inch per foot toward the curb.
10. Finish. All sidewalks shall be finished with a “broom” or “wood float” finish.
11. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable Federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

*(Code of Iowa, Sec. 216C.9)*

**136.09 BARRICADES AND WARNING LIGHTS.** Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

**136.10 FAILURE TO REPAIR OR BARRICADE.** It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

**136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS.** No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

**136.12 AWNINGS.** It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

**136.13 ENCROACHING STEPS.** It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

**136.14 OPENINGS AND ENCLOSURES.** It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating, or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

**136.15 FIRES OR 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 (3) feet of the sidewalk next to the building be occupied for such purposes.

**136.19 SALES STANDS.** It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

[The next page is 637]

## CHAPTER 137

# VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate

137.02 Planning and Zoning Commission

137.03 Notice of Vacation Hearing

137.04 Findings Required

137.05 Disposal of Vacated Streets or Alleys

137.06 Disposal by Gift Limited

**137.01 POWER TO VACATE.** When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof, or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

**137.02 PLANNING AND ZONING COMMISSION.** Any proposal to vacate a street, alley, portion thereof, or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

*(Code of Iowa, Sec. 392.1)*

**137.03 NOTICE OF VACATION HEARING.** The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

**137.04 FINDINGS REQUIRED.** No street, alley, portion thereof, or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof, or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

**137.05 DISPOSAL OF VACATED STREETS OR ALLEYS.** When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, *Code of Iowa*.

*(Code of Iowa, Sec. 364.7)*

**137.06 DISPOSAL BY GIFT LIMITED.** The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.

*(Code of Iowa, Sec. 174.15[2] & 364.7[3])*

[illegible]

## CHAPTER 138

## STREET GRADES

### 138.01 Established Grades

### 138.02 Record Maintained

**138.01 ESTABLISHED GRADES.** The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance, are hereby confirmed, ratified, and established as official grades.

**138.02 RECORD MAINTAINED.** The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

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## CHAPTER 139

# NAMING OF STREETS

139.01 Naming New Streets  
139.02 Changing Name of Street  
139.03 Recording Street Names

139.04 Official Street Name Map  
139.05 Revision of Street Name Map

**139.01 NAMING NEW STREETS.** New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.
3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

**139.02 CHANGING NAME OF STREET.** The Council may, by resolution, change the name of a street.

**139.03 RECORDING STREET NAMES.** Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

*(Code of Iowa, Sec. 354.26)*

**139.04 OFFICIAL STREET NAME MAP.** Streets within the City are named as shown on the Official Street Name Map, which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 139.04 of the Code of Ordinances of Mapleton, Iowa."

**139.05 REVISION OF STREET NAME MAP.** If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk.

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## CHAPTER 140

# CONTROLLED ACCESS FACILITIES

140.01 Exercise of Police Power  
140.02 Definition  
140.03 Right of Access Limited  
140.04 Access Controls Imposed

140.05 Unlawful Use of Controlled Access Facility  
140.06 Permitted Access Points  
140.07 Speed Limits  
140.08 Parking Restricted

**140.01 EXERCISE OF POLICE POWER.** This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, *Code of Iowa*, for the preservation of the public peace, health, safety and for the promotion of the general welfare.

*(Code of Iowa, Sec. 306A.1)*

**140.02 DEFINITION.** The term “controlled access facility” means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air, or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason.

*(Code of Iowa, Sec. 306A.2)*

**140.03 RIGHT OF ACCESS LIMITED.** No person has any right of ingress or egress to or from abutting lands onto or across any controlled access facility, except at such designated points at which access is permitted.

*(Code of Iowa, Sec. 306A.4)*

**140.04 ACCESS CONTROLS IMPOSED.** There are hereby fixed and established controlled access facilities within the City, described as follows:

*(Code of Iowa, Sec. 306A.3)*

1. Project No. FN-1108. On the Primary Road System extension improvement, Project No. FN-1108, Primary Road No. 141, within the City, described as follows:

*On Highway No. 141, from a point one-fourth mile west of the north junction of No. 175 and No. 141, thence southeast to the City paving 127 feet south of the railroad crossing.*

regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. FN-1108, on file in the office of the Clerk.

2. Project No. F-795. On the Primary Road System extension improvement, Project No. F-795, Primary Road No. 141, within the City, described as follows:

*Station 86+24.0 to 133+00.*

regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. F-795 on file in the office of the Clerk.

**140.05 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY.** It is unlawful for any person to:

*(Code of Iowa, Sec. 306A.3 and 321.366)*

1. Cross Dividing Line. Drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on such controlled access facilities.
2. Turns. Make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line.
3. Use of Lanes. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section, or line.
4. Enter Facility. Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line that separates such service road from the controlled access facility property.
5. Right Turn on Red. Make a right turn on red onto the primary highway extension at the signalized intersection.

**140.06 PERMITTED ACCESS POINTS.** Points of access are hereby permitted as follows:

*(Code of Iowa, Sec. 306A.4)*

1. Project No. F-795. The compiled list furnished by the Iowa Highway Commission of drives and entrances provided for access under the improvement specified as Project No. F-795 is hereby recorded as follows:

Station	Side of Street	Curb Opening Width	Use of Drive or Entrance
87+46.04	West (left)	17.4 feet	Residential entrance
90+39.6	West (left)	46.0 feet	Maintenance garage
91+03.5	East (right)	23.5 feet	Residential entrance
91+33	West (left)	34.5 feet	Commercial entrance
92+01.9	West (left)	34.2 feet	Commercial entrance
93+38.9	West (left)	17.0 feet	Residential entrance
100+89	West (left)	17.0 feet	Residential entrance
102+18.8	West (left)	33.4 feet	Commercial entrance
102+52.4	East (right)	25.4 feet	Residential entrance
103+40	West (left)	34.8 feet	Commercial entrance
106+39.8	East (right)	18.0 feet	Residential entrance
109+42	West (left)	17.0 feet	Residential entrance
110+20.5	East (right)	17.6 feet	Residential entrance
110+32.4	West (left)	18.0 feet	Residential entrance
111+23.8	West (left)	17.8 feet	Residential entrance
111+33.1	East (right)	30.0 feet	Commercial entrance
111+59.8	West (left)	18.2 feet	Residential entrance
113+71.1	East (right)	36.8 feet	Commercial entrance
113+74.6	West (left)	35.6 feet	Commercial entrance
114+24.9	East (right)	15.6 feet	Commercial entrance
114+84.5	West (left)	14.6 feet	Commercial entrance

Station	Side of Street	Curb Opening Width	Use of Drive or Entrance
114+87.8	East (right)	15.5 feet	Commercial entrance
115+82.4	East (right)	20.0 feet	Commercial entrance
115+82.4	West (left)	20.0 feet	Commercial entrance
119+01.6	East (right)	19.5 feet	Commercial entrance
119+03.5	West (left)	20.0 feet	Commercial entrance
119+50.7	East (right)	13.6 feet	Commercial entrance
120+46.1	East (right)	13.0 feet	Commercial entrance
121+11.1	West (left)	34.4 feet	Commercial entrance
121+17.2	East (right)	34.4 feet	Commercial entrance
122+98.6	West (left)	16.4 feet	Commercial entrance
123+10.8	East (right)	24.0 feet	Commercial entrance
123+69.9	East (right)	29.0 feet	Commercial entrance
124+31.9	West (left)	28.4 feet	Commercial entrance
125+11.2	East (right)	35.4 feet	Commercial entrance
125+47.8	West (left)	43.6 feet	Commercial entrance
125+78.2	East (right)	35.0 feet	Commercial entrance
126+51.8	West (left)	16.4 feet	Commercial entrance
127+30.7	East (right)	23.0 feet	Commercial entrance
128+55	West (left)	48.6 feet	Commercial entrance
129+01.2	East (right)	34.8 feet	Commercial entrance
127+77	East (right)	33.4 feet	Commercial entrance

If any of the locations described in this section are found in error by legal proceedings or other means, it shall in no way affect the validity of the other locations contained in this section.

**140.07 SPEED LIMITS.** The maximum speed limits on said projects are hereby established as follows:

1. Project No. FN-1108.
  - A. Eastbound speed limits on Project No. FN-1108 are as follows:
    1. 45 mph from Station 311+40 to Station 336+00
    2. 35 mph from Station 336+00 to Station 341+77.1
  - B. Westbound speed limits shall be as follows:
    1. 35 mph from Station 341+77.1 to Station 336+00
    2. 45 mph from Station 336+00 to Station 321+00
    3. 55 mph from Station 321+00 to Station 311+40
2. Project No. F-795. Speed limits on Project No. F-795 are as follows:
  - A. 35 mph from Station 86+24 to Station 112+60
  - B. 25 mph from Station 112+60 to Station 126+50
  - C. 35 mph from Station 126+50 to Station 133+00

**140.08 PARKING RESTRICTED.** The parking of vehicles on or along controlled access facilities is restricted as follows:

1. Project FN-1108. Parking of any nature from Station 311+40 to Station 341+77.1 is prohibited. Said prohibition shall become effective at the time of completion of the pavement project.
2. Project FN-795. Parking of any nature is prohibited on the center four lanes of the proposed pavement. Said prohibition shall become effective at the time of actual completion of the pavement.

[The next page is 651]

## CHAPTER 141

### DRIVEWAYS AND STREET CURBS

141.01 Definitions

141.02 Permit

141.03 Fee for Permit

141.04 Driveway Requirements

141.05 Sidewalks

141.06 Excavations

141.07 Street Curb Cuts

141.08 Revocation of Permit

141.09 Inspection and Approval

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

1. “Person” means any individual, firm, corporation, trust, or other association.
2. “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.
3. “Paving” means any kind of hard surfacing including (but not limited to) Portland cement concrete, bituminous concrete, brick, or combinations of such materials, with the necessary base. “Paving” shall not include surfacing with oil, gravel, or chloride.
4. “Street curb” means the raised perimeter and integral gutter along the traveled portion of any public street.

**141.02 PERMIT.** Before any person shall construct or repair a driveway, or cut or alter the street curb, such person shall obtain a written permit from the Council. 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 and/or the proposed cut or alteration of the street curb. No other plan shall be followed except by written permission of the Council, who may allow amendments to the application or permit that do not conflict with this chapter. The Clerk shall issue the permit upon the order of the Council, 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, repair, or street curb alteration, as planned, will not create any substantial hazard in the use of the street or sidewalk for public travel or drainage, or create any defect. Each permit shall expire six months from the date of issuance, if construction is not completed within that time.

**141.03 FEE FOR PERMIT.** Before any permit is issued, the person who makes the application shall pay \$7.50 to the Clerk. The Clerk shall give the applicant a written receipt showing the sum received and the date. These fees shall be deposited in the City treasury.

**141.04 DRIVEWAY REQUIREMENTS.** All driveways shall be of paving of a depth of not less than six inches for the first six feet adjoining the curb and thereafter shall be at least ten feet in width. The driveway may be placed directly on compact and well-drained soil. Where soil is not well drained, a three-inch sub base of compact, clean, coarse gravel, sand, or cinders shall be laid. The maximum driveway width at the curb line shall be a three-foot radius on either side of the main slab.

**141.05 SIDEWALKS.** The grade of any sidewalk shall not be altered by the work done. The driveway shall be at the same level as any existing sidewalk.

**141.06 EXCAVATIONS.** Excavations to do work under this chapter shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have property 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 street, sidewalk, or other public property that is affected by the work shall be restored to as good a condition as it was previous to the excavation. The affected area shall be maintained in good repair to the satisfaction of the Council for three months after refilling.

**141.07 STREET CURB CUTS.** All cuts in the street curbs shall be done or supervised by the City, which shall assess a fee in the amount of twenty-five dollars (\$25.00) per hour with a 2 hour minimum charge.

**141.08 REVOCATION OF PERMIT.** The Council may at any time revoke the permit for any violation of this chapter and may require that the work be stopped.

**141.09 INSPECTION AND APPROVAL.** The driveway must be inspected and approved in writing by the Council or its designee within 30 days after completion of the work. The Clerk shall keep a record of such approvals in the Clerk's office. If the work is not approved, it must be corrected immediately by the applicant so that it will meet with the approval of the Council. If the work has been done improperly, the City 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 671]



## CHAPTER 145

### DANGEROUS BUILDINGS

145.01 Enforcement Officer  
145.02 General Definition of Unsafe  
145.03 Unsafe Building  
145.04 Notice to Owner

145.05 Conduct of Hearing  
145.06 Posting of Signs  
145.07 Right to Demolish; Municipal Infraction  
145.08 Costs

**145.01 ENFORCEMENT OFFICER.** The Building Official 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 & 364.12[3a])*

**145.03 UNSAFE BUILDING.** “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

**145.04 NOTICE TO OWNER.** The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement

officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the *Code of Iowa*, if the owner is found within the City limits. If the owner is not found within the City limits, such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.
2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

**145.05 CONDUCT OF HEARING.** If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.<sup>†</sup>

**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 MAPLETON, 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

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<sup>†</sup> **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.

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])*

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## CHAPTER 146

# MANUFACTURED AND MOBILE HOMES

### 146.01 Definitions

### 146.03 Foundation Requirements

### 146.02 Conversion to Real Property

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

*(Code of Iowa, Sec. 435.1)*

1. “Manufactured home” means a factory-built structure built under the authority of 42 U.S.C. Sec. 5403 which was constructed on or after June 15, 1976, and is required by federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Manufactured home community” means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or federal seals.
4. “Mobile home park” means any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on 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 & Sec. 435.35)*

1. **Retailer’s Stock.** Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.

2. Existing Homes. A taxable mobile home or manufactured home 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 & 414.28)*

[The next page is 681]

## **CHAPTER 147**

### **BUILDING CODE**

**147.01 ADOPTION OF BUILDING CODE.** Pursuant to Section 380.10 of the *Code of Iowa*, the City hereby adopts the *State Building Code* by reference. A copy of the *State Building Code* is available in the Clerk's office.

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## CHAPTER 148

# REGULATED SUBSTANCES IN CONSTRUCTION

### 148.01 Definition

### 148.02 Prohibited Activities

### 148.03 Prohibited Areas

### 148.04 Permits

### 148.05 Hearing

**148.01 DEFINITION.** As used in this chapter, “area of corrective action” means any location within the City which is undergoing corrective action because of the presence in soil or groundwater of petroleum or other regulated substances, as those terms are defined in Section 455B.471 of the *Code of Iowa*.

**148.02 PROHIBITED ACTIVITIES.** It is unlawful for any person to construct or cause to be constructed or installed basements, groundwater wells for drinking purposes, or waterlines or sanitary sewer lines made of plastic or other materials through which petroleum or other regulated substances (as defined in Sec. 455B.471, *Code of Iowa*) might permeate, in prohibited areas referred to in this chapter, except by permit issued by the City.

**148.03 PROHIBITED AREAS.** The prohibited areas referred to in Section 148.02 are as follows:

1. Block 31, Sixth Addition to the City of Mapleton.
2. The area within the following-described boundary:  
*Commencing at the southeast corner of Block Two (2) in the City of Mapleton; thence westerly along the north line of Main Street, extended, a distance of 650 feet; thence north, parallel to the west line of 4<sup>th</sup> Street, to the centerline of Sioux Street, extended westerly; thence east along said extended centerline of Sioux Street to the west line of 4<sup>th</sup> Street; thence south along the west line of 4<sup>th</sup> Street to the point of beginning.*
3. That part of the City of Mapleton located in the West Half of the Northeast Quarter of Section 13, Township 85 North, Range 43 West of the 5<sup>th</sup> P.M.
4. Any area of corrective action.

**148.04 PERMITS.** Anyone seeking to construct or install any of the improvements referred to in Section 148.02 of this chapter shall do so only upon written application to the Council for a permit to do so, containing the specifications and location of the proposed improvement. The Council shall grant the permit only after a determination that the proposed project will not violate any State or federal laws or rules concerning regulated substances, and that it will produce no likelihood of injury to the health of any citizens of the City because of the use of said improvement, if constructed.

**148.05 HEARING.** If a permit is refused by the Council, the applicant may file a written request, within 10 days of the refusal, and shall receive an opportunity to be heard on all issues before the Council. Said request shall be filed with the City Clerk.

[The next page is 701]

## CHAPTER 150

# BUILDING NUMBERING

### 150.01 Definitions

### 150.02 Owner Requirements

### 150.03 Building Numbering Plan

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

1. “Owner” means the owner of the principal building.
2. “Principal building” means the main building on any lot or subdivision thereof.

**150.02 OWNER REQUIREMENTS.** Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the City Clerk.  
*(Code of Iowa, Sec. 364.12[3d])*
2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than four (4) inches in height and of a contrasting color with their background.  
*(Code of Iowa, Sec. 364.12[3d])*
3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.  
*(Code of Iowa, Sec. 364.12[3h])*

**150.03 BUILDING NUMBERING PLAN.** Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

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## CHAPTER 151

### TREES

#### 151.01 Definition

#### 151.02 Planting Restrictions

#### 151.03 Duty to Trim Trees

#### 151.04 Trimming Trees to be Supervised

#### 151.05 Disease Control

#### 151.06 Inspection and Removal

**151.01 DEFINITION.** For use in this chapter, “parking” means that part of the street, avenue, or highway in the City not covered by sidewalk and lying between the lot line and the curb line or, on unpaved streets, that part of the street, avenue, or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

**151.02 PLANTING RESTRICTIONS.** No tree shall be planted in any parking or street except in accordance with the following:

1. Alignment. All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.
2. Spacing. Trees shall not be planted on any parking that is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet from street intersections (property lines extended) and ten (10) feet from driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.
3. Prohibited Trees. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow, or black walnut.

**151.03 DUTY TO TRIM TREES.** The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

*(Code of Iowa, Sec. 364.12[2c, d & e])*

**151.04 TRIMMING TREES TO BE SUPERVISED.** Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

**151.05 DISEASE CONTROL.** Any dead, diseased, or damaged tree or shrub 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 fourteen (14) days of said notification. If such owner, occupant, or person in charge of said property fails to comply within 14 days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

[The next page is 735]

## CHAPTER 160

# FLOODPLAIN MANAGEMENT

160.01 Definitions	160.06 Standards for Floodplain (Overlay) District
160.02 Statutory Authority, Findings of Fact and Purpose	160.07 Appointment and Duties of Board of Adjustment
160.03 General Provisions	160.08 Nonconforming Uses
160.04 Administration	160.09 Penalties for Violation
160.05 Establishment of Zoning (Overlay) Districts	160.10 Amendments

**160.01 DEFINITIONS.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. Appurtenant structure – 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 – The flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the “100-year flood.”)
3. Base flood elevation (BFE) – The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. Basement – Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”
5. Development – 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 – The floor of the lowest enclosed area in a building when all the following criteria are met:
  - A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of CH 160.06(2)(D)(1) of this ordinance, and
  - B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
  - C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
  - D. The enclosed area is not a “basement” as defined in this section.
7. Existing construction – Any structure for which the “state of construction” commenced before the effective date of the first floodplain management regulations adopted by the community.

8. Existing factory-built home park or subdivision – A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
9. Expansion of existing factory-built home park or subdivision – The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
10. Factory-built home – 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 ordinance 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.
11. Factory-built home park or subdivision – A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
12. Five hundred (500) year flood – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
13. Flood – A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
14. Flood insurance rate map (FIRM) – The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
15. Flood insurance study (FIS) – A report published by FEMA for a community issued along with the community’s Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
16. Floodplain – Any land area susceptible to being inundated by water as a result of a flood.
17. Floodplain management – An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
18. Floodproofing – Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
19. Floodway – The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge 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 on (1) foot.

20. Floodway fringe – Those portions of the special flood hazard area outside the floodway.

21. Highest adjacent grade – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

22. Historic structure – Any structure that is:

A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the interior or (ii) directly by the Secretary of the Interior in states without approved programs.

23. Lowest floor – The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of enclosed area below lowest floor are met.

24. Maximum damage potential development – Hospitals and like institutions; buildings or buildings complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

25. Minor projects – Small development activities (except for filling, grading and excavating) valued at less than \$500.

26. New construction – (new buildings, factory-built home parks) – Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

27. New factory-built home park or subdivisions – A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.

28. Recreational vehicle – A vehicle which is:

- A. Built on a single chassis;
  - B. Four hundred (400) square feet or less when measured at the largest horizontal projections;
  - C. Designed to be self-propelled or permanently towable by a light duty truck; and
  - D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
29. Routine maintenance of existing buildings and facilities – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
- A. Normal maintenance of structure such as re-roofing, replacing roofing tiles and replacing siding;
  - B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
  - C. Basement sealing;
  - D. Repairing or replacing damaged or broken window panes;
  - E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
30. Special flood hazard area (SFHA) – The land within a community subject to the “base flood.” This land is identified on the community’s Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.
31. Start of construction – Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
32. Structure – Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.
33. Substantial damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

34. Substantial improvement – Any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (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 an “historic structure,” provided the alteration will not preclude the structure’s designation as a “historic structure.”

B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

35. Variance – A grant of relief by a community from the terms of the floodplain management regulations.

36. Violation – 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.

A. The flood hazard areas of the City of Mapleton are subject to periodic inundation which can result in loss of life, and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

B. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

C. This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

3. Statement of Purpose. It is the purpose of this ordinance to protect and preserve the rights, privileges and property of the City of Mapleton 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 CH 160.02(2)(A) of this ordinance with provisions designed to:

- A. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
- B. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
- C. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- D. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- E. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

### **160.03 GENERAL PROVISIONS.**

1. Lands to Which Ordinance Apply. The provisions of this ordinance shall apply to all lands within the jurisdiction of the City of Mapleton which are located within the boundaries of the Floodplain (Overlay) District as established in CH 160.05.
2. Establishment of Official Floodplain Zoning Map. The Flood Insurance Rate Map (FIRM) for Monona County and Incorporated Areas, City of Mapleton, Panels 19133C0116D, 0117C, 0118D, 0119D, dated June 15, 2022, which were prepared as part of the Flood Insurance Study for Monona County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Monona County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.
3. Rules for Interpretation of Floodplain (Overlay) District. The boundaries of the Floodplain (Overlay) District areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The 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 ordinance.
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 ordinance and other applicable regulations which apply to uses within the jurisdiction of this ordinance.
5. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
6. Interpretation. In their interpretation and application, the provisions of this ordinance 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 ordinance are considered reasonable for regulatory purposes. This ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Mapleton or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

8.     Severability. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

#### **160.04   ADMINISTRATION.**

1.     Appointment, Duties and Responsibilities of Local Official.

A.     The Zoning Administrator is hereby appointed to implement and administer the provisions of this ordinance and will herein be referred to as the Administrator.

B.     Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

(1)    Review all floodplain development permit applications to assure that the provisions of this ordinance will be satisfied.

(2)    Review floodplain development applications to assure that all necessary permits have been obtained from federal, State and local government agencies including approval when required from the Department of Natural Resources for floodplain construction.

(3)    Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.

(4)    Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

(5)    Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this ordinance.

(6)    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.

(7)    Notify the Federal Insurance Administrator of any annexations or modifications to the community's boundaries.

(8) Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the Board of Adjustment of potential conflict.

(9) Maintain the accuracy of the community's Flood Insurance Rate Maps when;

a. Development placed within the floodway results in any of the following:

i. Ann increase in the Base Flood Elevations,  
or

ii. Alteration to the floodway boundary

b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or

c. Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

(10) Perform site inspections to ensure compliance with the standards of this ordinance.

(11) 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.

## 2. Floodplain Development Permit.

A. Permit Required. A floodplain development permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, excavation or drilling operations), including the placement of factory-built homes.

B. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:

(1) Description of the work to be covered by the permit for which application is to be made.

(2) Description of the land on which the proposed work is to be done (e.g., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

(3) Location and dimensions of all 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 structures 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 Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this ordinance.

C. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

D. Construction and Use to Be As Provided in Application and Plans. Floodplain development permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance. 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 ordinance, prior to the use or occupancy of any structure.

**160.05 ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS.** The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

1. Floodplain (Overlay) District. Those areas identified as Zone A on the Official Flood Plain 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 ordinance is granted after due consideration by the Board of Adjustment.

**160.06 STANDARDS FOR FLOODPLAIN (OVERLAY) DISTRICT.**

1. Permitted Uses.

A. All development within the 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 Floodplain District.

B. 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.

C. 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 (2) 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(2), Iowa Administrative Code.

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 elevations and floodway data have 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 determination.

A. 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.

B. Residential Structures. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. 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 vehicle during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567.75.2(3), Iowa Administrative Code.

C. Non-Residential Structures. All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) 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 Administrator.

D. 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 (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided or a minimum of two (2) openings, with positioning on at least two (2) 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 shall 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 conditions, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case on non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.

(4) New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

E. Factory-Built Homes.

(1) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.

(2) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. 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.

F. 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 (1) 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 (1) 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.

G. Storage of Materials and Equipment. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

H. Flood Control Structural Works. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

I. Watercourse Alterations or Relocations. 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.

J. Subdivisions. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this ordinance. 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 (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Floodplain (Overlay) District.

K. 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 sq. ft. in size. Those portions of the structure located less than 1 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 prevent flotation, collapse, and lateral movement which may result in damage to other structures.

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 this ordinance.

(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.

L. Recreational Vehicles.

(1) Recreational vehicles are exempt from the requirements of CH 160.06(2)(E) of this ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:

a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

b. 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.

- (2) 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 CH 160.06(2)(E) of this ordinance regarding anchoring and elevation of factory-built homes.

M. Pipeline River and Stream 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.

N. 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 (1) 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% annual 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 Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

#### **160.07 APPOINTMENT AND DUTIES OF BOARD OF ADJUSTMENT.**

1. Appointment and Duties of Board of Adjustment. A Board of Adjustment is hereby established which shall hear and decide (i) appeals and (ii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the board.
2. Appeals. Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment 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 of Adjustment all the documents constituting the record upon which the action appealed from was taken.
3. Variance. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

- A. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
- B. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by this ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
- D. All variances granted shall have the concurrence or approval of the Department of Natural Resources.
4. Hearings and Decisions of the Board of Adjustment.
- A. Hearings. Upon the filing with the Board of Adjustment 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.
- B. 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 ordinance, 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 ordinance and may prescribe such conditions as contained in CH 160.07(4)(B)(2).
- (1) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for variances, the board shall consider all relevant factors specified in other sections of this ordinance 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 ordinance.

(2) Conditions Attached to Variances. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this ordinance. 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 ordinance.

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 of Adjustment 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.





5. Appeals to the Court. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment 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.

**160.08 NONCONFORMING USES.**

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this ordinance.

B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

C. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this ordinance. 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.

2. Except as provided in CH 160.08(1)(B), any use which has been permitted as a variance shall be considered a conforming use.

**160.09 PENALTIES FOR VIOLATION.** Violations of the provisions of this ordinance 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 ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred dollars) or imprisoned for not more than 30 (thirty) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent the City of Mapleton from taking such other lawful action as is necessary to prevent or remedy violation.

**160.10 AMENDMENTS.** The regulations and standards set forth in this ordinance 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.

*(Ch. 160 – Ord. 474 – May 22 Supp.)*

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## CHAPTER 161

# RENTAL PROPERTY

161.01 Purpose  
161.02 Definitions  
161.03 Rental Permit Required

161.04 Rental Permit Procedures  
161.05 Rental Property Inspections  
161.06 Rental Property Inspection Standards

**161.01 PURPOSE.** The purpose of this chapter is to establish an inspection program for rental property in the City of Mapleton, Iowa. These standards relate to the condition, maintenance, and occupancy of rental properties and are intended to promote the health, safety, and welfare of persons living in rental properties. This chapter applies to all rental properties, as hereafter defined, within the City of Mapleton.

**161.02 DEFINITIONS.** For the purpose of interpreting this chapter, certain words, terms, and expressions are defined as follows:

1. “Dwelling” shall mean any house, townhouse, duplex, building, mobile home, unit, or apartment, or any portion thereof intended to be occupied as the place of habitation of human beings, either permanently or transiently. Each dwelling in multi-dwelling properties shall be treated separately for purposes of this chapter.
2. “Occupant” means any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling. A dwelling is “occupied” by such person.
3. “Owner” means any person who alone, jointly, or as tenant in common with others, has legal or equitable title to any dwelling with or without accompanying actual possession thereof. For the purposes of this chapter, “owner” includes an agent of the owner empowered by the owner to act on the conditions or under the circumstances in question. For purposes of this chapter, “owner” does not include a purchaser of a property pursuant to a real estate contract, regardless of whether the contract is recorded.
4. “Owner-occupied single-family dwelling” is defined as any dwelling that is occupied by the owner or owner’s relative within the first degree of consanguinity, and may include a nanny, live in nurse, or live-in exchange student.
5. “Utilities” is defined to include the following supplied facilities and equipment:
  - A. Gas;
  - B. Water and waste pipes and plumbing;
  - C. Sumps, drains, vents;
  - D. All supplied facilities and equipment connected to the aforementioned items.
6. “Lease” means to permit, provide, or offer occupancy of a dwelling to a person other than the owner pursuant to a rental agreement, whether written or oral, or pursuant to a real estate contract, regardless of whether the owner receives rent.
7. “Rent” means payment of money, goods, labor, service or otherwise for use of a dwelling.

8. “Rental property” or “property” means any dwelling that is occupied by a person other than the owner pursuant to a lease, or any dwelling that has been sold on contract pursuant to a recorded purchase agreement. A dwelling owned by an entity organized under Iowa Code Chapter 504 is not a rental property or property for purposes of this chapter and is exempt from the requirements of this chapter.

*(Subsection 8 – Ord. 475 – May 22 Supp.)*

9. “Refuse” means all other miscellaneous waste materials except “yard waste” not specifically defined as garbage.

**161.03 RENTAL PERMIT REQUIRED.** Every owner of rental property is required to obtain a rental permit and inspection pursuant to the provisions of this chapter.

**161.04 RENTAL PERMIT PROCEDURES.**

1. Application for Rental Permit. The owner shall file, in duplicate, an application for rental permit with the City of Mapleton every year on application forms provided by the Mayor or Mayor’s designee, no later than (Month, Day) of each year.

2. Issuance of A Rental Permit. When all provisions of the rental provisions have been complied with by the owner, the City or Mayor or Mayor’s designee shall issue a rental permit upon payment of permit and inspection fees, the amount of which shall be established by resolution of the Council.

3. Extension of Rental Permit. Rental permits shall be valid through the expiration date contained thereon. However, extensions may be granted to cover any time period between the stated expiration date and the period of time permitted by the Mayor or Mayor’s designee to remedy any violations cited subsequent to a maintenance inspection, provided a rental application is on file with fees paid.

4. Revocation of A Rental Permit. The Mayor or Mayor’s designee shall consider the revocation of a rental permit upon finding of a violation of any provision of the rental provisions. Notice of revocation shall be provided to the owner, and thereafter any and all affected dwellings shall not be permitted for use as a rental property. The owner may appeal the Mayor’s or Mayor’s designee’s revocation decision to the City Council by written notice delivered to the City Clerk within five (5) business days of receiving the notice of revocation, and such written appeal must be received by the Clerk no later than 4:30 p.m. on the fifth day. A rental property may remain occupied while an appeal is pending.

5. Hearing When A Rental Permit is Denied. Any person whose application for a rental permit has been denied may request a hearing on the matter before the City Council following the same notice procedures and deadlines for appeals of revocation, above.

6. Non-Transferrable. Rental permits are non-transferrable- If a rental property sells the new owners must register and obtain a new rental permit.

7. No permit for dwellings sold pursuant to recorded contract. Neither the contract seller nor purchaser of a dwelling shall be required to obtain a rental permit, provided that the purchase agreement is recorded in the land records of Monona County and the seller and purchaser comply with the inspection requirements of this chapter.

*(Subsection 7 – Ord. 475 – May 22 Supp.)*

**161.05 RENTAL PROPERTY INSPECTIONS.** Rental properties are required to meet the minimum standards established by this chapter. To ensure compliance with the minimum standards, all rental property in the City will be inspected on a regular basis by the Mayor or Mayor's designee. Properties may also be inspected based on complaints received from occupants or other parties. An inspection fee will be charged based upon the number of dwellings and the frequency of the inspection. The frequency and schedule of inspections shall be:

1. Property owners will be notified of the scheduled inspection date at least 14 days in advance. Property owners may re-schedule inspections once per dwelling when a scheduling conflict exists. Cancellation and reschedules must be requested five (5) working days prior to the scheduled inspection and cancellations made fewer than five (5) working days prior to the scheduled inspection may be assessed a fee per the schedule of fees. Owners seeking multiple reschedules for a single dwelling may be assessed a fee per the schedule of fees.

A. The appropriate authority is hereby authorized and directed to request entrance to inspect all rental properties, and surrounding premises thereof, subject to the provisions of this chapter, between the hours of eight o'clock (8:00) a.m. and five o'clock (5:00) p.m. for the purposes of determining whether there is compliance with its provisions.

B. The appropriate authority and the owner or occupant of a rental property, subject to the provision of this chapter, may agree to an inspection by appointment any time.

C. The owner of rental property may meet the inspection requirements of this chapter by submitting with the rental application a written report of an Iowa licensed and bonded contractor attesting that the property meets the property inspection standards set forth in Section 161.06. *(Ord. 475 – May 22 Supp.)*

2. The frequency of inspection is dependent upon the history of compliance with the rental provisions and is as follows:

A. Regular Inspection Cycles. All rental properties shall be on a two (2) year inspection cycle based upon the criteria herein. Rental properties may be placed on a one (1) year inspection cycle based on inability to meet compliance standards. Newly constructed buildings will automatically be assigned to a two-year cycle.

B. Extended Inspection Cycles. A two-year inspection cycle may be granted if.

(1) Attendance at the Landlord Education Assistance Program (Crime Free Housing).

(2) The maximum number of violations in any one (1) dwelling is fewer than six (6).

(3) The maximum average of violations per dwelling is fewer than six (6) per dwelling.

(4) All violations (including tenant violations) are remedied by the first reinspection.

(5) All mandated certified inspection documentation as required by the International Fire Code (IFC) as adopted by the City of

Mapleton and the minimum fire standards set forth in this chapter are presented for the property.

*(Subsection 2 – Ord. 475 – May 22 Supp.)*

C. Basis for Revocation of Extended Cycle. Properties with any of the following characteristics shall lose eligibility to remain on the extended cycle. Properties having been sold, or where the management has changed, may also be assigned to a shorter cycle.

- (1) Property was not in compliance at the time of re-inspection or required an extension to come into compliance.
- (2) Property has had founded complaint violations which were not corrected at the time of re-inspection.
- (3) The number of violations exceeded the maximum allowed during the inspection cycle.
- (4) Failure to provide access to required inspection areas.
- (5) Failure to provide required information or the provision of false information.
- (6) Failure to timely complete and file the Annual Self Inspection Report on the form adopted by the compliance officer.
- (7) Failure to pay any fee as required by the rental code.
- (8) Failure to register the property on an annual basis.

D. Criteria for Assignment to a One (1) Year Inspection Cycle. Properties with any of the following characteristics may be placed on the one-year cycle.

- (1) Property has nine (9) or more violations in any one (1) dwelling; exceeds the permissible ratio of nine (9) violations per dwelling; or exceeds a total of seventy-five (75) violations regardless of number of dwellings.
- (2) Property was not in compliance at the time of second reinspection or required an extension to correct violations. (In addition, if violations are not corrected at the time of the second reinspection, the rental license may be suspended for up to six (6) months.)
- (3) Property has been tagged as substandard. (Exceptions: if the property has been damaged by fire or an act of nature it may be tagged if unfit for occupancy but will not become subject to a shortened cycle.)
- (4) Property has been designated a nuisance, as defined in the City of Mapleton Municipal Code. Or has not had a prior nuisance designation removed.
- (5) Landlord failed to provide required information or provided false information or documentation.

(6) Founded complaint violations during the one-year cycle which are not corrected at the time of re-inspection shall remain on the one-year cycle.

E. Criteria for Graduation From A One (1) Year Inspection Cycle. All criteria must be met:

(1) Property has met requirements for two consecutive cycles of regular inspections;

(2) No founded complaints for two consecutive cycles were identified;

(3) Property has remained free of nuisance designation for a period of two consecutive cycles; and

(4) At the time of inspection, a statement, as required under the current International Fire Code as adopted by the City for any fossil fuel-burning heating devices was provided and conditions of the property are such that the unit, as determined by the compliance officer or their designee, will remain in compliance for the span of an extended cycle.

F. Complaint Inspections. Complain inspections shall be made upon request and coordinated with the occupant. Only after complainant has exhausted efforts with the landlord will a complaint inspection occur. A letter will be sent to the property owner notifying them a complaint has been filed against the property.

G. Request for Inspection. Inspections may be conducted by request according to the following:

(1) When an inspection is made at the request of the owner, an inspection fee shall be charged. (See schedule of fees.)

(2) If an inspection is made at the written request of an occupant and the dwelling is found to be in noncompliance due to an omission of the owner, such owner shall be responsible for the cost of re-inspection.

(3) No inspection shall be conducted at the request of an occupant unless the occupant has first submitted the complaint, in writing, to the landlord, at least four days before making such complaint to the City.

(4) If, after a written complaint by the occupant, the dwelling is found to comply, or if such noncompliance is due to conduct by someone other than the owner, then occupant shall be liable for making the dwelling compliant. The tenant will be responsible for any reinspection fees.

(5) If such costs are not paid by the tenant within thirty days from the date of billing, the City may initiate an action in law or in equity to recover the same, in which event the tenant shall be liable for reasonable attorney fees. This remedy is in addition to any and all other legal remedies available to the City. No fee shall be charged to the owner for such inspection.

(6) In the event an inspection is initiated by the City or at the request of a person other than the owner or occupant, and if the building is found to be in noncompliance, the owner shall be liable for such reinspection fees following work done to make the dwelling compliant.

(7) In the event that on the date of the initial inspection the building complies with the provisions of this chapter, no fee shall be charged.

(8) In the event that on the date of inspection a dwelling fails to comply with the provisions of this chapter, which necessitates additional inspections, the owner shall be liable for the cost of such reinspection.

(9) All fees required under this chapter shall be paid prior to the issuance or renewal of the rental permit.

3. Dwellings that are sold on contract pursuant to a recorded purchase agreement executed on or after the effective date of this ordinance<sup>†</sup> shall be inspected one time according to the standards set forth in Section 161.06. The inspection shall occur upon payment of the inspection fee and no later than thirty (30) days after the date the purchase agreement is recorded. The results of the inspection shall not prevent the transaction between the buyer and seller. Purchase agreements recorded prior to the effective date of this ordinance are exempt from this inspection requirement.

*(Subsection 3 – Ord. 475 – May 22 Supp.)*

**161.06 RENTAL PROPERTY INSPECTION STANDARDS.** Rental properties subject to this chapter shall comply with the following minimum standards:

1. **Construction.** Each rental property shall be maintained as to not allow intrusion of water through the roof, windows, doors, frames, or other appurtenances. All areas of the building shall be structurally sound. A rental property which is a mobile home shall be secured to the mobile home stand with tiedowns and ground anchors that conform to any of the authorized standards or methods promulgated by authorized officials of the State of Iowa in the Iowa Administrative Code for mobile home anchoring. The frame, wheels, crawl space, storage area, and utility connections of all mobile homes shall be concealed from view by skirting which shall be of a durable all-weather construction which is consistent with the exterior of the mobile home. All building related items that are repaired or replaced shall meet the current municipal building code standards.

2. **Doors and Windows.** Each entrance door to a rental property shall be equipped with a functional lock and shall fit the dimensions of the door frame according to regular construction and manufacturers' standards. Glass doors and windows shall be unbroken. Storm doors and windows shall be supplied and installed for exterior doors and windows from fall until spring, except with respect to thermal-pane windows and insulated exterior doors. Screens shall be kept in good repair.

3. **Wall and Floor Penetrations.** Wall and floor penetrations, such as for utility lines, shall be enclosed or sealed with a fire-retardant material to reduce spread of fire or passage of vermin.

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<sup>†</sup> **EDITOR'S NOTE:** Subsection 3 was added by Ordinance No. 475 which was adopted on May 11, 2022.



4. Roof Drainage. Roof drainage shall be provided to avoid discharge on steps, walkways, or entrances where possible.
5. Upkeep. Rental properties and premises shall be free of garbage and refuse except that which is placed in receptacles in accordance with the requirements of Title 6, Chapter 5 of this Code.
6. Utilities and Heating. Water supply and sanitary sewer systems shall be approved public systems. All utilities and heating items shall be in working condition. All utilities and heating items repaired or replaced shall follow current utility and mechanical codes.
7. Electrical. The electrical system of every rental property shall be installed and maintained so as to be reasonably safe to the occupants and the structure.
8. Owner's Responsibilities. Owners of rental properties shall be responsible for or arrange for the following tasks:
  - A. Maintaining public areas of the premises in a clean and sanitary condition.
  - B. Exterminating rodents, insects, and other pests.
  - C. Removing snow and ice from walks and drives.
  - D. Lawns, trimming shrubs and trees, and controlling weeds to maintain the premises in a neat condition, comparable to other premises in the neighborhood.
  - E. If an occupant of a rental property is receiving rental assistance through a federal funding agency, (i.e., U.S. Department of Housing and Urban Development (HUD), United States Department of Agriculture (USDA)), the owner of the building is responsible for ensuring the rental unit meets the requirements of this chapter as well as the minimum requirements set forth by the funding agency.

*(Ch. 161 – Ord. 466 – Oct. 21 Supp.)*

[The next page is 775]

## CHAPTER 165

# ZONING REGULATIONS

165.01 Definitions	165.15 Street Frontage
165.02 Districts Designated	165.16 Yards
165.03 Boundaries	165.17 Open Space
165.04 R-1 Single-Family Residential District	165.18 Buffers
165.05 R-2 Moderate-Density Residential District	165.19 Fences
165.06 R-3 Moderate-Density and Mobile Home Residential District	165.20 Outdoor Advertising Signs
165.07 C-1 Commercial District	165.21 Off-Street Parking and Loading
165.08 C-2 Central Business Commercial District	165.22 Site Plans
165.09 M-1 Light Industrial District	165.23 Exceptions, Modifications and Interpretations
165.10 M-2 General Industrial District	165.24 Changes and Amendments
165.11 A Agricultural District	165.25 Permits and Certificates
165.12 Nonconforming Uses	165.26 Change of Use Fee
165.13 Special Uses	165.27 Board of Adjustment
165.14 Accessory Buildings	165.28 Administration and Enforcement

**165.01 DEFINITIONS.** For the purpose of this chapter, the words “used or occupied” include “intended, designed, or arranged to be used or occupied.” The word “lot” includes the words “plot or parcel” and all other words or phrases used to denote an individual building site that complies with the minimum provisions of this chapter. The following terms are also defined for use in this chapter:

1. “Accessory living quarters” means living quarters within an accessory building for the sole use of persons fully employed on the premises or for temporary use by guests of the occupants of the premises.
2. “Accessory use or structure” means a use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to the use of the principal building.
3. “Agriculture” means the use of land for agricultural purposes, including animal husbandry, apiculture, dairying, farming, floriculture, forestry, groves, horticulture, orchards, poultry husbandry, ranching, viticulture, and the necessary accessory uses for packing, treating, or storing the produce; however, the operation of the accessory uses shall be subordinate to that of the normal agriculture activities.
4. “Alley” means a public way, other than a street, 26 feet or less in width, affording secondary means of access to abutting property. An alley is not considered a public thoroughfare.
5. “Amendment” means a change in the wording, context, or substance of this chapter, or a change in the zoning or district boundaries of the official zoning map, a part of this chapter, when adopted by ordinance passed by the proper authoritative body in the manner prescribed by law.
6. “Apartment hotel” means a building designed for or containing both individual guestrooms or suites of rooms, and rooms or suites of rooms for dwelling units. (See also “dwelling, multiple.”)
7. “Apartment house or building” – see “dwelling, multiple.”

8. "Automobile wrecking" means the dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot, parcel, or tract of land of five or more vehicles that, for a period exceeding 30 days, have not been capable of operating under their own power, and from which parts have been removed or are to be removed for reuse, salvage or sale, shall constitute prima facie evidence of an automobile wrecking yard.
9. "Basement" means a story having more than one-half of its height below grade. A basement shall not be counted as a story for the purpose of height regulation, provided the finished floor level directly above is not more than six feet above grade. (See also "basement, walkout," "cellar," and "story.")
10. "Basement, walkout" means a basement having a portion of its finished floor not more than four feet below the finished yard grade at any of its exterior walls and having not less than two-thirds of the vertical height of an exterior wall, which has a ground level exit to the outside, above ground. A walkout basement is considered the ground floor level of the building and shall be counted as a story. (See also "basement," "cellar," and "story.")
11. "Billboard" means all structures, regardless of the base or materials used in construction of the same, which are erected, maintained, or used for public display of posters, painted signs, wall signs (whether the structure is placed on the wall or painted on the wall itself), pictures, or other pictorial reading matter that advertises a business or attraction that is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
12. "Block" means all that property frontage along one public thoroughfare lying between the two nearest intersecting or intercepting streets, railroad right-of-way, waterway, golf course, campus, park or other similar open space.
13. "Board" means the Board of Adjustment of the City.
14. "Boardinghouse" means a building other than a hotel where, for compensation, meals and lodging are provided for four or more persons, but does not include rest homes.
15. "Building" means any structure having a roof supported by walls or by columns intended for enclosure, shelter, or housing of persons, animals, or chattels. When any portion thereof is entirely separated by walls in which there are no communicating doors or windows or any similar opening, each portion so separated shall be deemed a separate building.
16. "Building height" means the vertical distance from the average finished ground grade at the building line 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.
17. "Building line" means the extreme overall dimensions of a building as determined from its exterior walls and as staked on the ground, including all areas covered by vertical projection to the ground of overhang of walls, or any part of a primary structural support or component, which is nearest to the property line. (See also "setback.")
18. "Building site" means the ground area of one lot, or the ground area of two or more lots which have been combined for the use of one building or permitted group of buildings, together with all open spaces required by this chapter. (See also "lot.")

19. “Bulk stations” means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than 12,000 gallons.
20. “Business” – see “place of business.”
21. “Cellar” means a story having not more than one-half of its height below grade, which is inaccessible to the outside except by stairway, and in which the air vents or ventilation windows are not more than 18 inches in height and four square feet in area each.
22. “Cemetery” means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematory, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.
23. “Centerline, public thoroughfare” means a line running parallel with the thoroughfare right-of-way which is half the distance between the extreme edges of the official right-of-way width.
24. “Certified survey” means a sketch, plan, map, or other exhibit bearing a written statement of its accuracy or conformity to specified standards and which is signed and sealed by a registered surveyor.
25. “Church” means any building or site whose primary use is public religious worship.
26. “Club” means an association of persons for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.
27. “Cocktail lounge” or “cabaret” means any place of business, other than a nightclub, located in and accessory to a hotel, motel, or restaurant, where liquor, beer, or wine is sold for consumption on the premises, where music or other entertainment is limited to a piano bar or other one-person performance and where dancing is prohibited. (See also “tavern” and “nightclub.”)
28. “Commercial use” means the barter, exchange, sale, service or trade of goods, materials or services, either tangible or intangible, for financial, material, or monetary gain.
29. “Commission” means the Planning and Zoning Commission of the City.
30. “Conditional permit” means a permit issued in view of specified conditions, limitations or restrictions, and which is subject to review or cancellation by the issuing department.
31. “Court” means an open, unoccupied, unobstructed space, except for trees, shrubs, statuary, or other articles normally considered accessory to landscaping, and which is bounded on two or more sides by a building on the same lot.
32. “Crown of road” means the grade at the centerline of the pavement within a public thoroughfare or, where no pavement exists, the grade at the right-of-way centerline.

33. “District” means a section or sections of land area, depicted on the official zoning map, within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.
34. “District boundary” means the centerline of a street or right-of-way or the centerline of the alleyway between the rear or side property lines or, where no alley or passageway exists, the rear or side property lines of all lots bordering on any district limits or any district boundary shown on the maps adopted by the ordinance codified in this chapter.
35. “Dog kennel” means the keeping of any dog or dogs, regardless of number, for sale, breeding, boarding or treatment purposes, except in a dog hospital, dog beauty parlor, or pet shop, as permitted by law, the keeping of five or more dogs six months or older on premises used for residential purposes, or the keeping of more than one dog on vacant property or on property used for business or commercial purposes.
36. “Dump” means a premises used for the disposal of clean type fill or refuse, such as dirt, rocks, cans, tree branches and similar materials, but not including organic matter of any type such as garbage or dead animals or portions thereof.
37. “Dwelling” means any stationary, permanent building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer or trailer coach.
38. “Dwelling, multiple” means a building or buildings on a common lot designed for and used for occupancy by three or more families living independently of each other and containing three or more dwelling units.
39. “Dwelling, one-family” means a detached building, on a building site, designed for and used exclusively for residential purposes by one family and containing one dwelling unit.
40. “Dwelling, two-family” means a building designed for and used exclusively for occupancy by two families living independently of each other and containing two dwelling units.
41. “Dwelling unit” means one or more rooms in a dwelling, multiple dwelling, or apartment hotel used for occupancy by one family as a home or residence for living or sleeping purposes and in which the cooking and sanitary facilities are designed for the use of one family only.
42. “Family” means one or more legally related persons occupying a single-dwelling unit.
43. “Farm” means an area comprising ten acres or more which is used for agriculture.
44. “Filling station” – see “gas station.”
45. “Frontage” means the distance of a front lot line as measured along the public thoroughfare. (See also “lot lines, front.”)
46. “Garage, community” means a structure, or a series of structures, under one roof and under one ownership, used primarily for storage of vehicles by three or more owners or occupants of property in the vicinity.

47. “Garage, mechanical” means a structure in which major mechanical repair or rebuilding of motor-powered vehicles is performed for commercial gain and in which the storage, care, and minor servicing is an accessory use.
48. “Garage, private” means an accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building. A private garage of less than three-car capacity may be rented for the private vehicles of persons not residents on the premises.
49. “Garage, public” means a structure, other than a private garage, used for the shelter or storage of motor-powered vehicles and in which the care, minor servicing, washing, etc. is an accessory use.
50. “Gas station” means a structure designed or used for the retail sale or supply of fuels, lubricants, air, water, and other operating commodities or accessories for motor vehicles and including the customary space and facilities for the installation of such commodities or accessories on or in such vehicles, but not including space or facilities for the storage, painting, repair, refinishing, body work or other major servicing of motor vehicles.
51. “Grade” means:
- A. For buildings having walls adjoining one street only, the elevation of the regularly established sidewalk grade at the center of the wall adjoining the street.
  - B. For buildings having walls adjoining more than one street, the average elevation of the regularly established sidewalk grades at the center of walls adjoining the streets.
  - C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street line is considered an adjoining the street.
52. “Greenhouse” means a building or accessory structure constructed chiefly of glass, or other translucent material, which is devoted to the protection or cultivation of flowers or other tender plants.
53. “Guesthouse” means an accessory building used as a dwelling unit by domestic employees or for temporary use by guest of the occupants of the premises. A guesthouse shall not be rented or occupied year-round by the same guest, nor shall the owner occupy the guesthouse and rent the principal residence.
54. “Half story” means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area of the floor immediately below it.
55. “Hard-surfaced area” means a continuous area of gravel, rock, concrete, pavement, brick, asphalt, or similar material, placed for the purpose of vehicular parking, with a sufficient area such that no part of any vehicle(s) shall be located on or above any grass, dirt, sidewalk, or right of way. *(Ord. 485 – Feb. 25 Supp.)*
56. “Height of building” – see “building height.”
57. “Home occupation” means any occupation or profession conducted solely by resident occupants in their place of abode, involving primarily service and not the sale

of commodities upon the premises, provided that not more than one-quarter of the area of not more than one floor level of the building may be used in pursuit of the occupation, and, in connection therewith, there is used no sign other than one name plate of not more than one square foot in area affixed to the outer wall, which will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling. Not more than one person other than the occupants of the building may be employed.

58. “Hospital” means an institution specializing in giving clinical, temporary, and emergency service of a medical or surgical nature to injured persons and patients, other than persons suffering from a lingering mental sickness, disease, disorder, or ailment.

59. “Hotel” means a building occupied as the more or less temporary residence of individuals who are lodged, with or without meals, and in which there are six or more sleeping rooms or suites of rooms with no provisions made for cooking in any individual room or suite of rooms, and entrance is through a common lobby or office.

60. “Junk” means old and dilapidated automobiles, trucks, tractors and other such vehicles and parts thereof, wagons, and other kinds of vehicles and parts thereof, scrap, used building material, scrap contractor’s equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds, bedding, or any other kind of scrap or waste material that is stored, kept, handled, or displayed for barter, resale, reuse, salvage, stripping, or trade. (See also “trash.”)

61. “Junkyard” means any area where junk is bought, sold, exchanged, baled, or packed, disassembled, or handled, including house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking or structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building, and not including the processing of used, discarded, or salvaged materials necessary as a part of manufacturing operations.

62. “Kennel” – see “dog kennel.”

63. “Kitchen” means any room or portion of a building used or intended or designed to be used for cooking and other preparation of food, including any room having a sink and provisions for either a gas or electric stove.

64. “Loading space” means any off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking (less than 24 hours) of a commercial vehicle while loading or unloading merchandise or materials.

65. “Lodging house” means a building where lodging only is provided for compensation for four or more persons.

66. “Lot” means a parcel of real property of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required by this chapter. Such lot shall have frontage on a dedicated street, and may consist of any one of the following:

- A. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;



- B. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter;
  - C. A portion of a lot of record;
  - D. A single lot of record.
67. “Lot area” means the gross area, exclusive of streets or other public right-of-ways, within the boundary lines of a lot.
68. “Lot, corner” means a lot located at the intersection of two or more streets, and having the street right-of-way abut the front and one or more side lines of the lot.
69. “Lot depth” means the mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the mean front lot line. In the case of an interior triangular or gore-shaped lot, the depth shall be the horizontal distance between the midpoints of the front and rear lot lines.
70. “Lot, double-frontage” means a lot other than a corner lot with frontage on more than one street or public thoroughfare which do not intersect one another.
71. “Lot, interior” means a lot, other than a corner lot, having frontage on but one street or public thoroughfare.
72. “Lot, key” means a lot so subdivided as to have its side lines coincide with the rear lot lines of adjacent lots on either or both sides of the aforesaid key lots.
73. “Lot line, front” means the line separating the front of the lot from the street. In the case of a corner lot, that part of the lot having the narrowest frontage on any street is considered the front lot line.
74. “Lot line, rear” means that boundary that is opposite and most distant from the front lot line. In the case of an interior triangular or gore-shaped lot, it means a straight line ten feet in length which:
- A. Is parallel to the front lot line or its chord;
  - B. Intersects the two other lot lines at points most distant from the front lot line.
75. “Lot line, side” means any lot boundary line not a front lot line or a rear lot line.
76. “Lot of record” means a lot which is part of a subdivision, the deed of which is recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
77. “Lot, reversed-frontage” means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first interior lot to its rear.
78. “Lot width” means the horizontal distance between the side lot lines as measured perpendicular to the line compromising the lot depth at its point of intersection with the required minimum front setback. Where the lot width is decreasing from front to rear, the horizontal distance between the side lot lines as described in subsection 74 of this section shall be measured at its point of intersection with the required minimum rear setback.
79. “Mental institution, hospital or home” means an institution specializing in giving clinical and psychiatric aid and treatment to and in conjunction with the

housing of persons and patients suffering from a temporary or lingering mental ailment, disorder, or sickness.

80. "Mobile home" means any trailer that is used as a dwelling unit, excluding, however, transient trailers.

81. "Mobile home park" means any lot or portion of a lot upon which two or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

82. "Motel" or "motor hotel" means a building or group of two or more buildings designed to provide sleeping accommodations for transient or overnight guests, with garage attached or parking facilities conveniently located to each such unit.

83. "Nightclub" means any place of business located within any building or establishment established and operated for the purpose of supplying entertainment or music, or both, and providing meals and refreshments prepared on the premises, having a seating capacity of not less than 40 people at tables, providing a dance floor containing not less than 308 square feet, and serving beer, wine or liquor for consumption on the premises.

84. "Nonconforming use" means the use of a building or of land, or any portion thereof, which was lawfully established and maintained but which, because of the application of this chapter to it, no longer conforms to the use regulations of the zone in which it is located.

85. "Nonprofit institution" means a nonprofit establishment maintained and operated by a society, corporation, individual, foundation, or public agency for the purpose of providing charitable, social, educational, or similar services to the public, groups, or individuals. Cooperative nonprofit associations performing a service normally associated with retail sales or trade, such as cooperative groceries, granaries, equipment sales, etc., shall not be considered a nonprofit institution under this chapter.

86. "Nursing or convalescent home" means a building or structure having accommodations and care provided for invalid, infirm, aged, convalescent, or physically disabled persons, not including insane or other mental cases, inebriate or contagious cases.

87. "Parking area, public" means an open area, other than a street or alley, which is used for the temporary parking of more than four automobiles and is available for public use, whether free, for compensation, or as an accommodation for clients or customers.

88. "Parking space, automobile" means an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than 10 feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress. Where four or more automobile parking spaces are to be grouped as a common facility meeting a requirement of this chapter, the individual car spaces, plus the area necessary for driveways, shall total not less than 315 square feet per car space.

89. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, governmental body or agency, district or other political subdivision, or any other group or combination acting as a unit.

90. “Place of business” means any vehicle, building, structure, yard, area, lot, premises, or part thereof, or any other place in or on which one or more persons engage in a gainful occupation.

91. “Premises” means any lot, plot, parcel or tract of land, building or buildings, or structure or structures used publicly or privately as a place of business dwelling or meeting place.

92. “Principal building” means the building situated or to be placed nearest the front property line and the use of which conforms to the primary use permitted by the zoning classification in which it is located.

93. “Public thoroughfare” means any right-of-way under the jurisdiction and maintenance of the governmental agencies of the federal, State and municipal government which may be used by the public in general, and which serves as the frontage street to the abutting property. (See also “street.”)

94. “Recreational vehicle” means vehicles not designed primarily for operation on highways, including but not limited to boats, personal watercraft, campers, motor homes, busses, travel trailers, snowmobiles, ATVs, UTVs, side-by sides, and golf carts.

*(Subsection 94 – Ord. 485 – Feb. 25 Supp.)*

95. “Residential” or “residence” means any lot, plot, parcel, tract, area, or piece of land or any building used exclusively for family dwelling purposes or intended to be used, including concomitant uses specified in this chapter.

96. “Restaurant” means a building, room, or rooms, not operated as a dining room in connection with a hotel, motel, or other multiple dwelling, where food is prepared and served to a group of families, a club or to the public and for consumption on the premises.

97. “Rest home” means a home operated as a boarding home, and in which nursing, dietary, and other personal services are furnished to convalescents, invalids, and aged persons; but in which no persons suffering from a mental sickness, disease, disorder, or ailment or from a contagious or communicable disease are kept, and in which no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals are performed.

98. “Resubdivision” means any change in the shape or size of any lot, tract or parcel of land previously platted for the purpose, whether immediate or future, of sale, rent, lease, building development, anchorages or other use, and any change in the shape or size of any lot, tract, or parcel of land previously approved for building purposes, whether immediate or future, and regardless of whether or not the same is vacant or improved, in whole or in part, for sale, rent, lease, building development, anchorage, or other use.

99. “Rooming house” means a residential building used, or intended to be used, as a place where sleeping accommodations are furnished or provided for pay, but which does not maintain a public dining room or café in the same building, or in any building in connection therewith.

100. “Sanitarium” means a health station or retreat or other place where resident patients are kept, and where medical or surgical treatment is given to persons suffering from a sickness, disease, disorder or ailment other than a mental sickness,

disease, disorder or ailment, but which does not specialize in giving clinical, temporary or emergency service.

101. “Servant’s quarters” means a secondary residential building occupied by a domestic employee of the principal residential building and conforming to the restrictions of this chapter, including those for accessory buildings.

102. “Service station” – see “gas station.”

103. “Setback” means the minimum horizontal distance between the front, rear, or side lines of the lot, and the front, rear, or side lines of the building, respectively. When two or more lots under one ownership are used, the exterior property line of the lots so grouped shall be used in determining setbacks.

104. “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 in this chapter:

- A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- B. Flags and insignias of any government except when displayed in connection with commercial promotion;
- C. Legal notices or identification, information or directional signs erected or required by governmental bodies;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

For the purpose of determining number of signs, a “sign” means a single display surface or displaying device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered to be a single sign.

105. “Sign, on-site” means a sign relating in its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

106. “Sign, off-site” means a sign other than an on-site sign. (See also “billboard.”)

107. “Sign, surface area of” means the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area, except where such frames and structural members are used as an integral primary or subsidiary portion of the graphic, literal, or numerical display, such as forming a picture frame to facilitate continuity or providing contrasts to emphasize the intended purpose of the sign.

108. “Site” – see “lot.”

109. "Special permit" means the authorization of a zoning certificate for an unclassified or special use of a lot by the Board of Adjustment following a review of the application for use by the Commission. A special permit may be issued only for those uses listed under the special uses included in Section 165.13 of this chapter or specifically required by a district regulation.
110. "Stable, private" means a building or structure used or intended to be used for housing horses belonging to the owner of the property and for noncommercial purposes.
111. "Stable, public and riding academy" means a building or structure used or intended to be used for the housing of horses on a fee basis. Riding instructions may be given in connection with a public stable or riding academy.
112. "Stable, riding club" means a building or structure used or intended to be used for the housing only of horses by a group of persons for non-commercial purposes.
113. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.
114. "Story, half" – see "half story."
115. "Street" means a public thoroughfare that affords the principal means of access to the abutting property. (See also "public thoroughfare.")
116. "Street line" means a dividing line between a lot, tract or parcel of land and a contiguous street. (See also "lot line, front.")
117. "Structural alterations" means any replacement or change in the shape or size of any portion of a building or of the supporting members of a building or structure, such as walls, columns, beams, arches, girders, floor joists, or roof trusses, beyond ordinary repairs and maintenance.
118. "Structure" means anything constructed or erected with a rigid or fixed location on the ground, or attachment to something having a permanent location on the ground, including buildings, walls, fences, signs, light standards, towers, tanks, etc.
119. "Subdivision" means a division of a lot, tract or parcel of land into two or more lots, plats, sites or other subdivisions of land for the purpose, whether immediate or future, of sale, rent, lease, building development, right-of-way, dedication, or other use.
120. "Tavern" means any place devoted primarily to the selling, serving or dispensing and drinking of malt, vinous or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon, and where such beverages are consumed on the premises. (See also "cocktail lounge" and "nightclub.")
121. "Tent" means any structure or enclosure, the roof or one half or more of the sides of which are of silk, cotton, canvas or any light material, either attached to a building or structure or unattached.
122. "Tourist cottage" means a single-family dwelling used as one of the units of a tourist park.

123. “Tourist home” means a residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers, said building located either singularly or as a part of a tourist park.

124. “Tourist park” means any lot or plot of real property upon which three or more single-family camp cottages or tourist homes or two or more trailers, or any combination of tourist cottages or tourist home or trailers, are located and maintained for the accommodation of transients, whether a charge is or is not made.

125. “Trailer” means any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings, and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. “Trailer” includes camp car and house car.

126. “Trailer camp” – see “tourist park.”

127. “Trailer park” – see “mobile home park.”

128. “Trailer park, travel” means a parcel of land upon which two or more spaces are provided, occupied, or intended for occupancy by travel trailers for transient purposes, not to exceed 30 days.

129. “Trailer, travel” means any vehicular, portable structure built on a chassis, designed as a temporary dwelling not exceeding eight feet in width and not exceeding 40 feet in length, exclusive of separate towing unit. “Travel trailer” includes pickup coach, motor home, camp trailer, or other similar mobile and temporary dwellings commonly used for travel, recreation, or vacation quarters.

130. “Trash” means cuttings from vegetation, refuse, paper, bottles or rags. (See also “junk.”)

131. “Variance” means a modification of the specific regulations of this chapter granted by resolution of the Board of Adjustment in accordance with the terms of this chapter for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone.

132. “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including, but not limited to cars, trucks, and vans, and recreational vehicles. Any device moved primarily by human power is not a vehicle for purposes of this chapter. *(Ord. 485 – Feb. 25 Supp.)*

133. “Waterfront” means any site, providing any or all of its lot lines abut on or are contiguous to any body of water, including creek, canal, lake, river or any other body of water, natural or artificial, not including a swimming pool, whether said lot line is front, rear or side.

134. “Yard” means an open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except for landscaping or as otherwise provided in this chapter.

135. “Yard, front” means the yard area lying to the front of the principal building or between the front building line and the front lot line.

136. “Yard, rear” means the yard area lying to the rear of the principal building or between the rear building line and the rear lot line.

137. “Yard, side” means the yard area lying to the sides of the principal building or between the side building lines and the side lot lines.
138. “Zone” means any one of the classes of districts established by this chapter.
139. “Zoning Administrator” means the administrative officer designated or appointed by the City to administer and enforce the regulations contained in this chapter.
140. “Zoning certificate” means a written statement issued by the Zoning Administrator authorizing buildings, structures, or uses consistent with the terms of this chapter and for the purpose of carrying out and enforcing its provisions.

[The next page is 791]





**165.02 DISTRICTS DESIGNATED.** In order to classify, regulate, and restrict the location of trades and industries and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings erected or altered after the effective date of the ordinance codified in this chapter; to regulate and limit the intensity of the uses of lot areas; and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings, the City is divided into eight classes of districts. The use, height and area regulations are uniform in each class of district, and said districts shall be known as:

1. R-1 Single-Family Residential District;
2. R-2 Moderate-Density Residential District;
3. R-3 Moderate-Density and Mobile Home Residential District;
4. C-1 Commercial District;
5. C-2 Central Business Commercial District;
6. M-1 Light Industrial District;
7. M-2 General Industrial District;
8. A Agricultural District.

**165.03 BOUNDARIES.**

1. Map Adopted by Reference. The boundaries of the districts designated in Section 165.02 are indicated upon the official zoning map of the City, which map is made a part of this chapter by reference. The official zoning map and all notations, references, and other matters shown thereon shall be as if the notations, references, and other matters set forth by said map were all fully described in this chapter. *(See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.)*

2. Map on File. The official zoning map shall be filed in the office of the City Clerk. The official zoning map shall be identified by the signature of the Mayor, attested by the City Clerk under the following words:

*"This is to certify that this is the "official zoning map" referred to in Section 165.03 of the Code of Ordinances of the City of Mapleton, Iowa."*

3. Lot Lines and Centerlines. The district boundaries are either lot lines or the centerlines of streets and alleys, unless otherwise shown, and where the districts designated are bounded approximately by street, alley, or lot lines and are not dimensioned otherwise, the lot lines or the centerlines of streets and alleys shall be construed to be the boundary of the district.

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**165.04 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.**

1. Generally. The regulations set forth in this section or elsewhere in this chapter which are applicable shall apply in the R-1 Single-Family Residential District.

2. Principal Uses. In an R-1 Single-Family Residential District, a building or premises shall be used only for the following principal purposes:

A. A single-family dwelling on each lot or building site.

B. Public or private parks, playgrounds, golf courses, and other outdoor recreational facilities which are commonly (but not necessarily) operated on a nonprofit basis; however, amusement parks, golf driving ranges, golf miniature putting courses, etc. normally operated for profit and employing manufactured or constructed facilities of an unnatural or non-environmental design shall be excluded.

C. Agricultural crops, including truck gardening, but not the raising of poultry, pets or livestock for commercial purposes or on a scale that would be objectionable because of noise or odor to surrounding residences.

3. Accessory Uses. In an R-1 Single-Family Residential District, accessory uses are allowed in the back or side yard unless otherwise approved by the City Council.

*(Ord. 463 – Oct. 20 Supp.)*

A. Normal accessory buildings and structures for a dwelling, such as private garages, children's playhouses (not to be used for dwelling purposes), radio and television antennas, antennas, barbecue pits, playground equipment, tennis courts, etc.

*(Ord. 463 – Oct. 20 Supp.)*

B. Normal accessory buildings and structures for public recreation areas, such as refreshment stands, playground equipment, all-weather shelters, tennis courts, barbecue pits, etc.

C. Domestic animals, such as cats, dogs, birds, tropical fish, etc., which are normally allowed to run free or are housed within the dwelling. Horses, cows, sheep, chickens, etc., normally considered farm or wild and untamed animals shall be excluded except as otherwise provided for in this chapter.

D. Flower and vegetable gardening for noncommercial gain.

E. Greenhouses and horticultural nurseries for noncommercial gain.

F. Home occupations of a professional, talented, or artistic nature, such as doctor, engineer, lawyer, real estate or insurance agent, tailor, seamstress, watchmaker, dentist, designer, sculptor; however, those occupations normally classified as a trade and requiring the substantial use of contractors' or mechanics' tools or equipment, such as carpenters, electricians, monument cutters, painters, plumbers, etc., shall be excluded.

G. In-ground and above-ground swimming pools, provided that the swimming pool is surrounded by a wall, fence, or barrier of at least six (6) feet in height or is otherwise protected from uncontrolled access to the swimming pool, such as by installation and use of a safety cover meeting the ASTM International F1346-91 standard for swimming pool covers.

*(Subparagraph G – Ord. 463 – Oct. 20 Supp.)*

4. Height. In an R-1 Single-Family Residential District, no principal building shall exceed 35 feet in height. Maximum height regulations for accessory buildings shall be as provided in Section 165.14.

5. Lot Area, Frontage and Yards. In an R-1 Single-Family Residential District, the following minimum requirements shall be observed:

<b>Principal Use</b>	<b>Lot Area</b>	<b>Lot Frontage</b>	<b>Front Yard Depth</b>	<b>Side Yard Least Width on Any One Side</b>	<b>Minimum Width Sum of Both Side Yards</b>	<b>Rear Yard Depth</b>
Dwelling	10,000 square feet	80 feet	30 feet	7 feet	15 feet	35 feet
Non-Dwelling	1 acre	150 feet	50 feet	25 feet	50 feet	50 feet
For lots without a building, as defined herein, the following minimum requirements shall be observed unless modified by the Board of Adjustment in granting a special use permit: lot area, 10,000 square feet; lot width, 100 feet; lot depth, 100 feet.						

6. Off-Street Parking. Off-street parking regulations in an R-1 Single-Family Residential District shall be as provided in Section 165.21

[The next page is 799]

**165.05 R-2 MODERATE-DENSITY RESIDENTIAL DISTRICT.**

1. Generally. The regulations set forth in this section or elsewhere in this chapter which are applicable shall apply in the R-2 Moderate-Density Residential District.
2. Principal Uses. In an R-2 Moderate-Density Residential District, a building or premises shall be used only for the following principal purposes:
  - A. Any use permitted in the R-1 District, provided such use complies with the minimum requirements of the R-2 District.
  - B. Two-family dwellings.
  - C. Multi-family dwellings, provided, however, that the maximum land use density does not exceed 12 dwelling units per acre of land under ownership, exclusive of road right-of-way.
  - D. Day nursery schools and child care centers, provided that no building, structure or accessory use for property so used is located less than 30 feet from any other principal building on any other lot in an R District, and provided there is established and well-maintained in connection therewith a completely fenced play lot of no less than 1,000 square feet in area for the first 20 or fewer children under care, with 25 square feet added to such play lot area for each additional designated child capacity of the principal building.
  - E. Boarding houses and lodging houses.
3. Accessory Uses. In an R-2 Moderate-Density Residential District, the following accessory uses are allowed:
  - A. Any use permitted in the R-1 District, provided such use complies with the minimum requirements of the R-2 District.
  - B. Playground areas and equipment accessory to multi-family dwellings.
  - C. Multi-family entertainment and service centers, provided such areas are not located to the front of the principal building at ground level or above and such areas are screened from public view.
  - D. Storage garage accessory to the principal building.
4. Height. In an R-2 Moderate-Density Residential District, no principal building shall exceed 35 feet in height. Maximum height regulations for accessory buildings shall be as provided in Section 165.14.
5. Lot Area, Frontage and Yard. In an R-2 Moderate-Density Residential District, the following minimum requirements shall be observed subject to the modified requirements:

<b>Principal Use</b>	<b>Lot Area</b>	<b>Lot Frontage</b>	<b>Front Yard Depth</b>	<b>Side Yard Least Width on Any One Side</b>	<b>Minimum Width Sum of Both Side Yards</b>	<b>Rear Yard Depth</b>
Single and Two-Family Dwellings and Day Nurseries	7,500 square feet	60 feet	25 feet	6 feet	12 feet	30 feet
Multi-Family Dwellings	10,000 square feet	80 feet	35 feet	10 feet	20 feet	20 feet
Non-Dwellings	1 acre	150 feet	50 feet	25 feet	50 feet	50 feet

6. Building Floor Area Ratio. In an R-2 Moderate-Density Residential District, the building floor area shall not exceed the following:

<u>Height of Building</u>	<u>Total Floor Area to Lot Area Ratio</u>
1 story	0.30
2 stories	0.50
2½ stories	0.60

7. Open Space. Open space regulations in an R-2 Moderate-Density Residential District shall be as provided in Section 165.17.

8. Off-Street Parking. Off-street parking regulations in an R-2 Moderate-Density Residential District shall be as provided in Section 165.21.

[The next page is 805]

**165.06 R-3 MODERATE-DENSITY AND MOBILE HOME RESIDENTIAL DISTRICT.**

1. Generally. The regulations set forth in this section or elsewhere in this chapter which are applicable shall apply in the R-3 Moderate-Density and Mobile Home Residential District.

2. Principal Uses. In an R-3 Moderate-Density and Mobile Home Residential District, a building or premises shall be used only for the following principal purposes:

A. Any use permitted in the R-2 District, provided such use complies with the minimum requirements of the R-3 District.

B. Mobile and modular homes meeting the following minimum requirements:

(1) 600 square feet of floor space.

(2) Mobile homes shall be no older than three years, measured from the date of their original registration, other than to a dealer, to the date of installation at the proposed site.

(3) Each unit shall have its own separate hook-up to City sewer and water mains.

(4) Each mobile home shall be attractively skirted within 30 days of placement on the site, as permitted in this chapter. The Zoning Administrator may grant reasonable extensions of this limit for reasons of weather. Skirting shall be commercially manufactured skirting or equivalent and shall enclose the area from the ground to the base of the mobile home.

(5) The owner of each unit shall obtain a building permit and certificate of zoning compliance prior to the placement of said mobile or modular home. The provisions of Sections 165.25(2) and (4) through (9), and 165.28(2) and all other provisions of this chapter relating to building permits and certificates of zoning compliance are made applicable to mobile or modular housing in R-3 Districts. In deciding upon the issuance of a building permit and certificate of zoning compliance for any unit under this section, one of the Zoning Administrator's principal considerations shall be the proposed location on the property, the size of the unit and its alignment with existing improvements on neighboring property so as to promote and maintain a neat, attractive and orderly neighborhood.

(6) Storage of all refuse cans, lawn mowers, and all other personal property, excepting motor vehicles, shall be within the confines of the mobile or modular home or within the confines of accessory buildings constructed on the premises in accord with this chapter.

3. Accessory Uses. In an R-3 Moderate-Density and Mobile Home Residential District, the following accessory uses are allowed:

- A. Any use permitted in the R-2 District, provided such use complies with the minimum requirements of the R-3 District.
- B. Storage garage accessory to a mobile or modular home.
4. **Height.** In an R-3 Moderate-Density and Mobile Home Residential District, no principal building shall exceed 35 feet in height. Maximum height regulations for accessory buildings shall be as provided in Section 165.14.
5. **Lot Area, Frontage and Yard.** In an R-3 Moderate-Density and Mobile Home Residential District, the following minimum requirements shall be observed subject to the modified requirements:

Principal Use	Lot Area	Lot Frontage	Front Yard Depth	Side Yard Least Width on Any One Side	Minimum Width Sum of Both Side Yards	Rear Yard Depth
Single and Two-Family Dwellings and Day Nurseries	7,500 square feet	60 feet	15 feet	6 feet	12 feet	30 feet
Multi-Family Dwellings	10,000 square feet	80 feet	15 feet	10 feet	20 feet	20 feet
Non-Dwellings	1 acre	150 feet	15 feet	25 feet	50 feet	50 feet

6. **Building Floor Area Ratio.** In an R-3 Moderate-Density and Mobile Home Residential District, the building floor area ratio shall not exceed the following:

<u>Height of Building</u>	<u>Total Floor Area to Lot Area Ratio</u>
1 story	0.30
2 stories	0.50
2½ stories	0.60

7. **Accessory Buildings and Garages.** Regulations on accessory buildings and garages in an R-3 Moderate-Density and Mobile Home Residential District shall be as provided in Section 165.14. References to a principal building in Section 165.14 shall be construed as referring to the mobile home or modular home under consideration within the terms of this chapter.

8. **Zoning Map Change.** An R-3 Moderate-Density and Mobile Home Residential District shall encompass the following:

*The east half of Blocks 11, 23 and 28 and the west half of Blocks 9, 21 and 34; and all of Blocks 10, 22, 29 and 33, in the City, and the zoning map is ordered changed accordingly.*



9. Open Space. Regulations on open space in an R-3 Moderate-Density and Mobile Home Residential District shall be as provided in Section 165.17.
10. Off-Street Parking. Regulations on off-street parking in an R-3 Moderate-Density and Mobile Home Residential District shall be as provided in Section 165.21.

[The next page is 813]

**165.07 C-1 COMMERCIAL DISTRICT.**

1. Generally. The regulations set forth in this section and elsewhere in this chapter which are applicable shall apply in the C-1 Commercial District.

2. Principal Uses. In a C-1 Commercial District, a building or premises shall be used only for the following principal purposes:

A. Any use permitted in an R-2 District, except residential dwellings. Residential dwellings may be permitted by special permit.

B. Retail business or service establishments and professional offices such as the following:

Accountants

Animal hospital, veterinary clinic or kennel, provided that any exercising runway or pasture is at least 200 feet from any R District

Antique shops

Apparel shops (infant, teenage, and adult)

Art goods and bric-a-brac shops

Attorney

Automobile body and fender repair shop *(Ord. 476 – May 22 Supp.)*

Automobile, trailer and farm implement establishment for display, hire, sales and minor repairs, including sales lots, but not including body and fender work

Bakery, whose products are sold only at retail and only on the premises

Ballrooms and dance halls

Banks, including drive-in teller service

Barbershop or beauty salon

Bath and massage parlors

Bicycle sales

Billiard parlors and pool halls

Bookstore

Bowling alley

Business, commercial, dancing or music schools

Candy shops, retail sales only

Cigar and cigarette stores

Clothes-cleaning and laundry pickup stations

Cocktail lounge or tavern

Collection office of a public utility

Confectionary and ice cream stores

Curio stores

Dairy store

Dentist

Drive-in eating and drinking establishments, summer gardens, and road houses, including entertainment and dancing, provided the principal building is at least 200 feet from any R District

Drugstore

Florist shop, retail sales only

Furniture stores

Garden shops

Gasoline service station

General hardware stores, including display plumbing and electrical fixtures, but not in connection with a plumbing or electrical shop

Gift shop

Grocery, delicatessen or meat market, except those dealing in live poultry

Haberdashery  
 Hobby shop  
 Hotels  
 Household appliance stores and hardware store  
 Ice cream parlor  
 Ice storage and distributing station of not more than five-ton capacity  
 Jewelry stores  
 Landscape garden plant stores  
 Launderette  
 Leather goods store  
 Locker plants for storage and retail only  
 Lumber yards, retail, but not including any mill work, manufacturing,  
     fabricating or wholesale operations  
 Mail order offices, display room  
 Medical offices  
 Millinery shops  
 Motels and auto courts  
 Music store and record shop  
 Newsstands  
 Notary publics  
 Notions  
 Opticians and optometrists  
 Pet shop  
 Photographic store and/or studio  
 Post office substation  
 Printing  
 Radio and television sales and repair  
 Real estate  
 Restaurants  
 Secretarial service  
 Shoe and shoe repair shops  
 Sign painting shops  
 Soda fountain and cafe, provided that no alcoholic beverages are served or  
     sold  
 Soft drink stands  
 Souvenir stores and variety stores

and any use which is found by the Zoning Administrator to be a use similar to one of the above-named uses and which, in the Administrator's opinion, conforms to the intent of this section.

C. Outdoor advertising signs and billboards in accordance with provisions of Section 165.20.

3. Accessory Uses. In a C-1 Commercial District, the following accessory uses are allowed:

A. Any accessory uses permitted in the R-2 District, provided that such use complies with the minimum requirements for the C-1 District.

4. Height. In a C-1 Commercial District, no principal building shall exceed 35 feet in height. Maximum height regulations for accessory buildings shall be as provided in Section 165.14.

5. Lot Area, Frontage and Yard. In a C-1 Commercial District, the following minimum requirements shall be observed:

<b>Principal Use</b>	<b>Lot Area</b>	<b>Lot Frontage</b>	<b>Front Yard Depth</b>	<b>Side Yard Least Width on Any One Side*</b>	<b>Minimum Width Sum of Both Side Yards*</b>	<b>Rear Yard Depth</b>
All Uses	10,000 square feet	80 feet	45 feet	15 feet	30 feet	25 feet
* All yards abutting a public thoroughfare shall be considered front yards and shall comply with the requirements for a front yard. Side yard requirements and procedure for special permit application shall be in accordance with Section 165.13.						

6. Open Space. Open space regulations in a C-1 Commercial District shall be as provided in Section 165.17.

7. Buffers. Buffer requirements in a C-1 Commercial District shall be as provided in Section 165.18.

8. Off-Street Parking. Off-street parking regulations in a C-1 Commercial District shall be as provided in Section 165.21.

9. Site Plan. Site plan regulations in a C-1 Commercial District shall be as provided in Section 165.22

[The next page is 821]

**165.08 C-2 CENTRAL BUSINESS COMMERCIAL DISTRICT.**

1. Generally. The regulations set forth in this section and elsewhere in this chapter which are applicable shall apply in the C-2 Central Business Commercial District.
2. Principal Uses. In a C-2 Central Business Commercial District, a building or premises shall be used only for the following principal purposes:
  - A. Any use permitted in the C-1 District, providing such use complies with the minimum requirements of the C-2 District.
  - B. Manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises.
  - C. Printing or publishing houses.
3. Accessory Uses. In a C-2 Central Business Commercial District, the following accessory uses are allowed:
  - A. Accessory uses permitted in the C-2 District.
  - B. Any exterior or roof sign the height of which shall not exceed 40 percent of the building height above the roof line, but not to exceed 50 feet above the roof line in any case. For buildings less than 40 feet in height, the maximum height above the roof line for any exterior or roof sign shall be 16 feet.
4. Height. In a C-2 Central Business Commercial District, no building shall exceed 35 feet in height.
5. Lot Area, Frontage and Yard. In a C-2 Central Business Commercial District, the following minimum requirements shall be observed:

Principal Use	Lot Area	Lot Frontage	Front Yard Depth	Side Yard Least Width on Any One Side*	Minimum Width Sum of Both Side Yards*	Rear Yard Depth
All Uses	None required unless the proposed right-of-way of a thoroughfare shown on official major thoroughfare plan, in which case the building setback line shall be the proposed right-of-way line.			None, except adjacent to an R District, in which case, not less than 10 feet		None except abutting an R District, in which case, not less than 25 feet

6. Open Space. Open space requirements in a C-2 Central Business Commercial District shall be as provided in Section 165.17.
7. Buffers. Buffer requirements in a C-2 Central Business Commercial District shall be as provided in Section 165.18.
8. Off-Street Parking. Off-street parking regulations in a C-2 Central Business Commercial District shall be as provided in Section 165.21.

[The next page is 827]



**165.09 M-1 LIGHT INDUSTRIAL DISTRICT.**

1. Generally. The regulations set forth in this section and elsewhere in this chapter which are applicable shall apply in the M-1 Light Industrial District.

2. Principal Uses. In an M-1 Light Industrial District, a building or premises shall be used only for the following principal purposes:

A. Any business or service establishment permitted in a C-2 District which is incidental to an industrial or manufacturing use.

B. Industrial, manufacturing, major repair, processing, storage and wholesale establishments and services such as the following:

Automobile body and fender repair shop  
Automobile repair garage  
Automobile construction, assembly or factories specializing in the rework or rebuilding of automobile components  
Bag, carpet and rug cleaning  
Bakeries  
Carpenter and cabinet shops  
Concrete mixing and concrete products manufacture  
Contractor's equipment and materials storage yard  
Creamery, bottling works, dairy ice cream manufacturing, ice manufacturing and cold storage plant  
Enameling, lacquering or japanning  
Flammable liquids when in compliance with Chapter 101 of the *Code of Iowa* and regulations promulgated thereunder and located not less than 200 feet from any R District.  
Foundry casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors  
Laboratories (experimental, film or testing)  
Laundries  
Lumber and building supply yards  
Machine shop  
Milk distributing station  
Motor freight terminal  
Plumbing, heating and air-conditioning shops  
Sawmill, planing mill, including manufacture of wood products  
Sheet metal shops

3. Any residential use shall be prohibited, except for caretaker's quarters incidental to a permitted industrial use.

4. Accessory Uses. In an M-1 Light Industrial District, the following accessory uses are allowed:

A. Any accessory use customarily accessory and incidental to a permitted principal use.

5. Required Conditions. In an M-1 Light Industrial District, no use shall be permitted to be established or maintained which, by reason of its nature or manner of operation, it is or may become hazardous, noxious, offensive, or pollute the air or water due to the emission of cinders, dust, gas fumes, noise, odor, smoke, refuse, matter or water-carried waste.

6. Height. In an M-1 Light Industrial District, no building shall exceed 45 feet in height.

7. Lot Area, Frontage and Yard. In an M-1 Light Industrial District, the following minimum requirements shall be observed:

Principal Use	Lot Area	Lot Frontage	Front Yard Depth*	Side Yard Each Side*	Rear Yard Depth
All Uses	10,000 square feet	75 feet	45 feet	10 feet**	45 feet**
<p>* All yards in the M-1 District abutting a public thoroughfare shall be considered front yards and shall comply with the requirements for a front yard.</p> <p>** In an M-1 District adjacent to any R District, the minimum setback shall be 50 feet from the M-1 District boundary line, except in such cases where the district line is construed to follow the centerline of a public thoroughfare, wherein such cases shall be determined by the provisions for the required minimum front yard depth.</p>					

8. Open Space. Open space requirements in an M-1 Light Industrial District shall be as provided in Section 165.17.

9. Buffers. Buffer requirements in an M-1 Light Industrial District shall be as provided in Section 165.18.

10. Off-Street Parking. Off-street parking regulations in an M-1 Light Industrial District shall be as provided in Section 165.21.

[The next page is 833]

**165.10 M-2 GENERAL INDUSTRIAL DISTRICT.**

1. Generally. The regulations set forth in this section or elsewhere in this chapter which are applicable shall apply in the M-2 Industrial District.
2. Use Regulations. In an M-2 General Industrial District, a building or premises may be used for any purpose whatsoever, subject to the requirements and conditions contained in this chapter.

3. Occupancy Permits.

- A. No occupancy permit shall be issued for any use in conflict with any ordinance of the City or law of the State regulating nuisances.

- B. No occupancy permit shall be issued for any dwelling, school, hospital, clinic, or other institution for human care, except where incidental to a permitted principal use.

- C. No occupancy permit shall be issued for any of the following uses until and unless the location of such use has been authorized by the Board of Adjustment after reports by the Commission, City Engineer, Chief of the Fire Department and the health department:

- Abattoirs and slaughterhouses or stockyards
- Acid manufacture or wholesale storage of acids
- Cement, lime, gypsum, or plaster of Paris manufacture
- Chemical manufacturing
- Distillation of bones
- Explosive manufacture or storage
- Fat rendering
- Fertilizer manufacture
- Garbage, offal or dead animals reduction or dumping, provided that all refuse is earth-covered daily
- Gas manufacture and cylinder recharging
- Glue, size or gelatin manufacture
- Junkyards where the premises upon which such activities as are conducted are wholly enclosed within a building, wall or fence not less than six feet in height, completely obscuring the activity from sight from surrounding lots
- Petroleum or its products, refining or wholesale storage of
- Rubber goods manufacture
- Sand or gravel pits, provided they are enclosed by a fence which provides an effective barrier against trespassing
- Smelting of tin, copper, zinc or iron ores
- Transmitting stations
- Wholesale storage of gasoline

4. Required Conditions. In an M-2 General Industrial District, the following conditions are required:

- A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance shall be employed.

- B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least 200 feet

from any R District and not less than 100 feet from any other district except an M-1 District.

5. **Height.** In an M-2 General Industrial District, no structure shall exceed in height the distance measured to the centerline of the nearest street from any portion of the proposed building or structure, except as modified by Section 165.23(1).

6. **Lot Area, Frontage and Yard.** In an M-2 General Industrial District, the following minimum requirements shall be observed:

<b>Principal Use</b>	<b>Lot Area</b>	<b>Lot Frontage</b>	<b>Front Yard Depth</b>	<b>Side Yard Least Width on Any One Side*</b>	<b>Minimum Width Sum of Both Side Yards*</b>	<b>Rear Yard Depth</b>
All Uses	1 acre	200 feet	40 feet	20 feet*	40 feet*	40 feet*
* All yards in an M-2 District abutting a public thoroughfare shall be considered front yards and shall comply with the requirements for a front yard. All yards shall be subject to subsection 4 of this section.						

7. **Open Space.** Open space requirements in an M-2 General Industrial District shall be as provided in Section 165.17.

8. **Buffers.** Buffer requirements in an M-2 General Industrial District shall be as provided in Section 165.18.

9. **Off-Street Parking.** Off-street parking regulations shall be as provided in Section 165.21.

[The next page is 839]

**165.11 A AGRICULTURAL DISTRICT.**

1. Generally. The regulations set forth in this section or elsewhere in this chapter which are applicable shall apply in the A Agricultural District.
2. Principal Uses. In an A Agricultural District, a building or premises shall be used only for the following principal purposes:
  - A. Agriculture and the usual agricultural buildings and structures.
  - B. Truck gardening and nurseries, provided that no permanent dwelling units shall be erected thereon unless the tract contains ten or more acres.
  - C. Mining and extraction of minerals or raw material, subject to prior recommendation from the Commission and approval by the Board of Adjustment.
  - D. Forest and forestry.
  - E. Noncommercial parks, playgrounds, golf courses (both public and private) and recreational uses.
  - F. Any use erected or maintained by a public agency.
  - G. Public utility structures and equipment necessary for the operation thereof.
  - H. Transmitting stations and towers.
  - I. Dumping of noncombustible materials for landfill purposes.
  - J. Outdoor advertising signs and billboards in accordance with the provisions of Section 165.20, and provided, in addition, that prior recommendations must be obtained for such signs and/or billboards from the Commission and a special permit granted by the Board of Adjustment.
3. Accessory Uses. In an A Agricultural District, the following accessory uses are allowed:
  - A. Accessory building and uses customarily incident to any of the uses designated in subsection 2 of this section.
  - B. Bulletin boards and signs appertaining to the lease, hire or sale of a building or premises, or signs appertaining to any material that is grown or treated within the district; provided, however, such signs shall be located upon or immediately adjacent to the building or in the area in which such materials are treated, processed, or stored.
4. Height. In an A Agricultural District, any building erected or structurally altered after the effective date of the ordinance codified in this chapter may be erected to any height not in conflict with other existing or future ordinances of the City.

5. Lot Area, Frontage and Yard. In an A Agricultural District, the following minimum requirements shall be observed:

<b>Principal Use</b>	<b>Lot Area</b>	<b>Lot Frontage</b>	<b>Front Yard Depth</b>	<b>Side Yard Least Width on Any One Side*</b>	<b>Minimum Width Sum of Both Side Yards*</b>	<b>Rear Yard Depth</b>
All Uses	10 acres	200 feet	50 feet	50 feet	100 feet	50 feet

[The next page is 845]

**165.12 NONCONFORMING USES.**

1. Conformance Required. Except as specified in this chapter, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this chapter for the district in which the building or land is located.

2. Continuing Existing Uses. The lawful use of a building existing at the time of the enactment of the ordinance codified in this chapter may be continued even though such use may not conform with the regulations of this chapter for the district in which it is located. Any use in existence at the time of adoption of the ordinance codified in this chapter which was not authorized nonconforming use under previous zoning ordinances shall not be authorized to continue as a nonconforming use pursuant to this chapter or amendments thereto.

3. R District. No building or land devoted to a use not permitted by this chapter in an R District in which such building or land is located, except when required by law, shall be enlarged, extended, constructed, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building, structure or premises is located, except as follows:

A. Substitution. If no structural alterations are made, a nonconforming use of a building or structure may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

B. Discontinuance. In the event that a nonconforming use of any building, structure or land is discontinued for a period of two years, the use of the same shall conform thereafter to the uses permitted in the district in which it is located. The use of land upon which no building or structure is erected or constructed which does not conform to the provisions of this chapter, and the use of land upon which no building is erected or constructed which becomes nonconforming by reason of a subsequent change in this chapter, shall be discontinued within one year from the date of the change.

C. Replacing Damaged Buildings. Any nonconforming building or structure damaged more than 60 percent of its then fair market value, as determined by the building inspector, exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or act of God, shall not be restored or reconstructed and used as before such happening; but if less than 60 percent damaged above the foundation, it may be restored, reconstructed, or used as before, provided that it is done within six months of such happening.

4. Other than an R District.

A. Structural Alterations and Enlargements. Any building or structure in any district other than an R District devoted to a use made nonconforming by this chapter may be structurally altered or enlarged in conformity with the lot area, the lot frontage, yard and height requirements of the district in which situated; provided that such enlargement or alteration of construction is limited to buildings on land owned of record by the owner of the land devoted

to the nonconforming use prior to the effective date of the ordinance codified in this chapter. In the event of such structural alterations or enlargement of buildings, the premises involved may not be used for any nonconforming use other than the use existing on the effective date of the ordinance codified in this chapter. Other provisions of this chapter notwithstanding.

B. Discontinuance. In the event that a nonconforming use of any building or premises is discontinued for a period of two years, the use of the same shall conform thereafter to the uses permitted in the district in which it is located. The use of land upon which no building or structure is erected or constructed which does not conform to the provisions of this chapter, and the use of land upon which no building is erected or constructed which becomes nonconforming by reason of a subsequent change in this chapter, shall be discontinued within two years from the date of the change.

C. Replacing Damaged Buildings. Any nonconforming building or structure damaged more than 70 percent of its then fair market value, as determined by the building inspector, exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or act of God, shall not be restored or reconstructed and used as before such happening; but if less than 70 percent damaged above the foundation, it may be restored, reconstructed or used as before, provided that it is done within six months of such happening.

### **165.13 SPECIAL USES.**

1. Generally. The regulations set forth in this chapter or elsewhere in this chapter which are applicable shall apply to the special uses listed in this chapter. It shall be recognized that certain uses possess characteristics of such unique and special form as to make impractical their being included automatically in any classes of use as set forth in the various districts established by this chapter; therefore, these uses shall be subject to certain conditions and standards set forth in this chapter, and the authority for the location thereof shall be subject to review by the Commission and the issuance of a special permit by the Board of Adjustment; provided, however, a special use permit may not be granted for a use in a zoning district from which it is specifically excluded by the provisions of this chapter.

2. Designated. Upon the issuance of a special permit, the special uses listed in this section may be authorized in any zoning district, except as it is specifically excluded or limited by the provisions of this section. The following uses are declared special uses:

A. Accessory or branch structures and facilities for public utilities and public service uses, including reservoirs and tanks, pumping stations, telephone exchanges and power and transformer stations; provided, however, equipment storage yards and garages which are considered commercial, business and industrial uses shall not be permitted in any R District.

B. Borrow pits and quarries for rock, sand, gravel or other soil deposits; provided, however, these uses are specifically excluded from any R or C District.

C. Buildings and uses owned by a federal, State, County or municipal political subdivision which are operated for the social benefit or convenience of the public; provided, however, equipment storage yards and garages, etc.,



which are operated and maintained for the necessary business and industrial service of the community shall not be permitted in any R District.

D. Churches.

E. Clubs, lodge and fraternal buildings which are operated by nonprofit benevolent organizations for the social benefit or convenience of the public.

F. Columbariums, crematories and mausoleums unless inside a cemetery; provided, however, these uses are specifically excluded from any R District.

G. Educational schools, facilities and institutions, including elementary schools, junior high schools, high schools and colleges, both public and privately owned, providing for the general education of mankind. Schools which specialize in limited short business, commercial and industrial training courses and are operated for commercial gain are specifically excluded from this chapter and shall be considered as a regular business or commercial use.

H. Establishments or enterprises involving large assemblages of people or automobiles as follows:

Amusement parks

Carnivals, circuses and fairgrounds, except as provided in this chapter

Commercial sport or recreational enterprises, including nonprofit amphitheaters, convention halls and auditoriums

Race tracks and rodeo grounds; provided, however, these uses are specifically excluded from any R District

I. Golf, swimming and tennis clubs or country clubs and similar public and privately owned uses.

J. Mental hospitals; provided, however, these uses are specifically excluded from any R District.

K. Mining operations; provided, however, these uses are specifically excluded from any R District.

L. Rock crushing plants or the processing of materials from borrow pits and quarries; provided, however, these uses are specifically excluded from any R or C District.

M. Mobile home parks, permitted in A and C Districts only and subject to the minimum development requirements as follows:

(1) Parks.

a. Front yard (to be measured from all streets on which park abuts) – 50 feet

b. Side yard – 35 feet

c. Rear yard – 35 feet

d. Area – two acres

e. Drives – 25 feet in width surfaced with asphaltic or Portland cement concrete

f. Sanitary facilities, connection with the municipal sewer system or adequate private sewage disposal facilities.

- (2) Spaces.
  - a. Space size – 50 feet by 80 feet
  - b. Space area – 4,000 square feet
  - c. Off-drive parking – one parking space for each home space
  - d. Front yard – 15 feet
  - e. Rear yard – 10 feet
  - f. Side yard – 5 feet
- N. Museums and libraries not operated for profit.
- O. Nursery schools for the day care or temporary overnight care of children.
- P. Public parks.
- Q. Recreation, amusement, refreshment and service buildings in public parks, playgrounds and golf courses.
- R. Radio and television transmitters and telecommunication towers, including cell phone towers.
- S. Rescue missions and leagues, provided, however, that these uses are specifically excluded from any R District.
- T. Refuse and garbage dumps, incinerators and other waste disposal methods, provided, however, that these uses are specifically excluded from R, C, or M-1 Districts.
- U. Sewage disposal plant.
- V. Shooting ranges, including pistol, rifle, skeet and trap ranges.
- W. Temporary offices, billboards and buildings incidental to the development and construction of commercial, industrial and residential projects.
- X. Travel trailer parks. For purposes of this subsection, “travel trailer park” means a parcel of land upon which two or more spaces are provided, occupied, or intended for occupancy by travel trailers for transient purposes, not to exceed 30 days’ duration. Travel trailer parks shall be permitted in A and C-1 Districts only, subject to the following requirements:
  - (1) Minimum Requirements for Park.
    - a. Front yard – same as District or 50 feet, whichever is greater. This requirement shall apply to any and all roads or streets upon which the park abuts.
    - b. Side yard – 35 feet
    - c. Rear Yard – 35 feet
    - d. Minimum area – 1½ acres
    - e. Maximum density – 20 unit spaces per gross acre of park site

- f. Drives – 25 feet in width with concrete and/or asphaltic concrete surface
  - g. A common service building providing laundry facilities, short order food service, accessory supplies, etc., may be included in the parks permitted in the A District, provided such building is located within the central park area, is not visible to passing traffic, and restricted to the use of the park occupants. Such service buildings shall be permitted in the C-1 District, providing such use conforms to the requirements provided in the C-1 District regulations.
  - h. The rear and/or side yards shall be screened from adjacent property access by planting screen not less than 10 feet in width, or by an un-climbable fence wall.
- (2) Requirements for Trailer Spaces.
- a. Minimum space size – 20 feet by 55 feet
  - b. Minimum space area – 1,100 square feet
  - c. Off-drive parking – one parking space for and within the area of each trailer space
  - d. Minimum front yard – 10 feet
  - e. Minimum rear yard – 5 feet
  - f. Minimum side yard – 5 feet
  - g. Trailer separation – minimum distance between any two trailers shall be not less than 10 feet.

Y. Storage Containers.<sup>†</sup> For purposes of this subsection, the term “storage container” means any container designed for, or used in, the packing, storage, shipping, movement, or transportation of cargo, freight, goods, equipment, or commodities; or any container designed to be or capable of being mounted or moved by rail, truck, or ship by means of being mounted on a chassis or other transport device. “Storage container” does not include prefabricated sheds or similar structures specifically designed and intended for storage purposes, provided the shed or similar structure complies with all City ordinances applicable to detached accessory structures.

- (1) Storage containers are not permitted in R Districts except as otherwise provided in this subsection.
- (2) In all districts other than R Districts, storage containers shall be permitted subject to the following requirements:
  - a. Storage container is kept in good condition, free of rust, painted, and free of visible damage;

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<sup>†</sup> **EDITOR’S NOTE:** Paragraph Y adopted by Ordinance No. 465 on June 9, 2021. The ordinance was effective upon approval and publication. Properties not in compliance with the provisions of this paragraph as of the effective date of the ordinance shall have 120 days thereafter to come into compliance herewith.

- b. Storage container is not used for the storage of hazardous or flammable materials;
- c. Storage container meets all setback requirements required for accessory structures, and is not located on nor block any public right of way, sidewalk, or street;
- d. To the greatest extent possible, storage container is screened from view of adjacent properties and public right of way;
- e. Storage containers are not stacked vertically; and
- f. Storage container is not used for residential purposes, including but not limited to temporary occupancy, cooking, sleeping, and recreational activities.

(3) Storage containers may only be temporarily placed in R Districts for the limited purposes of storage to accommodate a move, remodeling project, or cleanup of a casualty loss. The Board of Adjustment shall determine the duration of the special use permit as the circumstances require, but in no case shall a temporary special use permit extend beyond six (6) months. In extraordinary circumstances, a person may request a subsequent permit. Storage containers placed for the purposes listed in this paragraph shall adhere to the requirements of Paragraph (2) above.

(4) Licensed and bonded contractors may use storage containers for temporary location of an office or storage of equipment and/or materials during construction which is taking place on the property where the storage container is located if the use of the container is authorized pursuant to a building permit. A storage container placed for the purpose listed in this paragraph shall not require a special use permit.

(5) Nothing herein shall be construed to prohibit the use, transport, and lawful parking of semi-trailer trucks with attached storage containers, including temporary decoupling of storage containers in the ordinary course of business.

*(Paragraph Y – Ord. 465 – Jun. 21 Supp.)*

3. Permit; Required Conditions. A special use permit shall not authorize a use which does not comply with the minimum requirements of the district in which it is located. A special use permit shall not authorize a use which is in conflict with any ordinance of the City or law of the State regulating nuisances, pollution, or hazardous occupation.

4. Required Site Plan. All requests for authorization of a special permit for special uses shall be accompanied by a site plan in compliance with Section 165.22.

5. Permit; Restrictions. The following restrictions shall be complied with for authorization for a special use permit:

- A. Buildings involving large assemblages of people shall not be located less than 300 feet from any existing dwelling site.

- B. Uses involving nuisances such as noise, vibration, pollution, etc., shall not be located less than 500 feet from an R District or less than 1,000 feet from an existing dwelling.
  - C. Uses involving large assemblages of people shall not be located in a vicinity where the arterial traffic system is inadequate to provide for the increased traffic density.
  - D. Uses involving the extensive use of exterior lighting shall not be located in a vicinity where such lighting may be hazardous to air or ground traffic-ways, and such uses shall not be located less than a distance required to reduce the light intensity to normal residential street lighting intensity at any R District boundary.
  - E. Uses of a utility or public service which is located within an R or C District, for the benefit of improved public service, shall be screened from public view by buffer walls or strip parks in accordance with Section 165.18.
6. Temporary Permit. Notwithstanding other provisions of this chapter, the Council may, without notice, public hearing, or other procedures described in this section for the issuance of a special permit, issue a special permit authorizing the operation of a charitable or other nonprofit sponsored carnival for a period not to exceed seven days.
7. Application Procedure. The procedure for obtaining a special permit shall be as follows:
- A. Written applications on approved forms shall be filed with the Zoning Administrator and shall be accompanied by such plans as required by the provisions of this chapter in quadruplicate.
  - B. The applications shall be referred to the Commission. The Commission shall hold a public hearing to review the application for a special permit and shall make a report to the Board of Adjustment regarding the recommended disposition of the application within 45 days from the date of such public hearing.
  - C. The Board of Adjustment shall hold a public hearing within 30 days after receiving the certification of said recommended disposition by the Commission.
  - D. Notice of hearing by the Commission and Board shall be given to all property owners within 500 feet of the boundary of the property on which the special use is to be located. Such notice shall be by United States mail at least 10 days prior to the hearing and shall contain the time and location of such hearing.
  - E. The special permit issued may include time limits, and other conditions or safeguards deemed necessary or appropriate by the Board. Violations of such conditions and safeguards shall be deemed a violation of this chapter and punishable under the provisions of this chapter. In addition, the special permit, in connection with such violation, shall be subject to revocation by the Council.
  - F. Whenever an application for a special permit has been denied by the Board, no new application for a special permit, including the same property or

any portion thereof, shall be filed or considered by the Board until six months has elapsed from the date of the official denial of the first application.

[The next page is 855]

**165.14 ACCESSORY BUILDINGS.**

1. Height Limitations. No accessory building or structure which exceeds six feet in height shall be erected in a required yard or court, except as provided in this chapter.
2. Yard Area Limitations. Accessory buildings and structures, regardless of height, which are constructed above the normal ground surface in any required yard area shall not occupy more than 30 percent of the yard area in which it is located; however, this regulation shall not be interpreted to prohibit the construction of a two-car garage not to exceed 550 square feet gross building area.
3. Located within Principal Building Area. An accessory building or structure which is located entirely within the principal building area of the lot (the lot minus the required yards and courts), whether attached or detached to the principal building, shall be subject to the regulations applicable to the principal building.
4. Erected as Part of Principal Building. Accessory buildings, except buildings housing animals or fowl, may be erected as a part of the principal building or may be connected thereto by a breezeway or similar structure, provided that said building complies with all yard requirements for a principal building.
5. Adaptable to Underground Construction. An accessory structure which is adaptable to underground construction, such as a bomb or tornado shelter, garage, wine cellar, etc., may be constructed beneath the ground surface of any yard area, provided said structure complies with the following requirements:
  - A. No portion of the structure shall be located less than two feet, measured horizontally, from any lot line from which a minimum surface yard area is required.
  - B. The surface area covering the structure shall be finished in a manner natural to the landscape so as to entirely conceal the underground structure.
  - C. No portion of the grade of the finished surface area above the structure may exceed a two-foot height increase above the normal finished grade of any required yard.
  - D. Ingress and egress to the underground structure shall be located within the allowable surface building area of the lot and shall not be located in any required yard area.
6. Garages. The garage for any principal building on a lot abutting an alley may be located in a rear or side yard area which abuts the alley; providing, however, such garage building complies with the following requirements:
  - A. The garage shall be set back no less than two feet from the lot line abutting the alley which the garage entrance faces, or shall be located no closer than 30 feet to any garage or principal building which is located on the opposite side of the alley, whichever is the greater requirement.
  - B. The garage building shall be considered an extension of the principal building and shall comply with all minimum yard requirements for the principal building other than the exception in this section permitting the garage entrance to be located near the alley; i.e., a garage facing an alley which abuts a side lot line shall not encroach into the required front or rear

yards; a garage facing an alley which abuts a rear lot line shall be set back from the side lot lines no less than the requirements for the principal building.

C. The garage building shall not exceed one story or 15 feet in height.

**165.15 STREET FRONTAGE.** Lots containing any building used in whole or in part for residence purposes shall abut for at least 40 feet on at least one street, unless it has an exclusive unobstructed private easement of access or right-of-way of at least 20 feet wide to a street. There shall be not more than one single-family dwelling for such frontage or easement, except that a common easement of access at least 50 feet wide shall be provided for two or more such single-family dwelling or for one or more two-family or multiple dwellings.

**165.16 YARDS.**

1. Lot Reduction Restrictions. No lot shall be reduced in size so as to make the width or total area of the lot, or any yard or any other open space, less than the minimum required by this chapter. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space required under this chapter for another building or structure. Off-street parking and loading areas may occupy all or part of any required yard or open space, except as otherwise specified in this chapter.

2. Building Lines on Approved Plats. Whenever the plat of a land subdivision approved by the Commission and on record in the office of the County Recorder shows a setback building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this chapter, unless specific yard requirements in this chapter require a greater setback.

3. Front Yard. In any residential district, there shall be a minimum front yard required as stated in the yard requirements for that particular district; provided, however, in no case shall the front yard depth be less than three-fourths of the smallest front yard depth of an existing building in the same block, located within 200 feet of either side lot line; provided, however, this regulation shall not be interpreted as to permit a setback which is less than the minimum required front yard for the district in which it is located. The front yard depth of any lot abutting a major street shall be measured from the proposed right-of-way lines shown on the official major thoroughfares plan.

4. Corner Lots.

A. For corner lots platted after the effective date of the ordinance codified in this chapter, the street side yard shall be equal in width to the minimum required side yard for the district in which it is located, plus 20 feet, i.e., for a minimum required side yard of 10 feet, the street side yard shall be not less than 30 feet; provided, however, this regulation shall not be interpreted as to require a side street yard of greater width than the minimum required front yard width.

B. For corner lots platted after the effective date of the ordinance codified in this chapter, the minimum required lot width shall be increased by an amount not less than 20 feet so as to allow for the additional required street side yard; e.g., for a minimum required lot width of 60 feet, the minimum width of a corner lot shall be not less than 80 feet.



- C. On corner lots platted and of record at the time of the effective date of the ordinance codified in this chapter, the same regulations shall apply, except that this regulation shall not be so interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record or as shown by existing contract of purchase at the time of the effective date of the ordinance codified in this chapter to less than 28 feet or to prohibit the erection of an accessory building.
- D. On any corner lot, the depth of a front yard or side street yard abutting a major street shall be measured from the proposed right-of-way lines shown on the official major thoroughfares plan.
5. Depth of Rear Yards Adjacent to Alleys. In computing the depth of a rear yard where the rear yard opens on an alley, one-half of the alley width may be included as a portion of the rear yard.
6. Obstructions Prohibited; Exceptions. Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for ordinary projections not to exceed 24 inches, including roof overhang.

#### **165.17 OPEN SPACE.**

1. Intent. It is recognized that the extensive use and excessive congestion of land induces the natural elements to become hazardous to the general health and welfare of the community; therefore, the intent of this section is to require not less open space than that which is necessary to preserve the basic qualities and beauty of nature.
2. R District Requirements. All buildings and land used in any R District shall comply with the following:
- A. On each lot there shall be provided an open space equal to at least 25 percent of the total lot area. Said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees, and shrubbery, except for areas used as pedestrian walks and ingress-egress drives. Ingress-egress drives shall not exceed two 20-foot lanes which are separated by open space.
- B. Each individual and unattached principal structure of an apartment or office complex shall be separated from any other principal structure in the complex by an open space of not less than 16 feet in width.
- C. Where door and windows in the exterior walls of a living unit face a wall of the same building and/or a wall of another building in the same complex site, there shall be provided a minimum open space of not less than 30 feet. Said distance shall be measured on a line projected at right angles at the opening from the wall containing the opening to the opposite wall.
- D. Cantilevers and open porches may project from the building wall into the required open space (court only) not more than 4 feet. Open stairways may project from the building wall into the required open space (court only) not more than 7½ feet. Stairways when located in the required open space (court) shall be cantilevered or supported by the necessary columns only. Support by a wall other than the exterior building wall is strictly prohibited.

3. C District Requirements. All building and land used in any C District shall comply with the following except as provided in this chapter:

A. Any R District use in any C District shall comply with Section 165.17(2).

B. Any commercial use in the C-2 District shall be exempt from this chapter.

C. On each lot there shall be provided an open space equal to at least 20 percent of the total lot area. Said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used as pedestrian walks and ingress-egress drives. Ingress-egress drives shall not exceed two 20-foot lanes which are separated by open space.

D. Each individual and unattached principal structure of an apartment or office complex shall be separated from any other principal structure in the complex by an open space of not less than 16 feet in width.

E. Where doors and windows in the exterior walls of a living unit face a wall of the same building and/or a wall of another building in the same complex site, there shall be provided a minimum open space of not less than 30 feet. Said distance shall be measured on a line projected at right angles at the opening from the wall containing the opening to the opposite wall.

F. Cantilevers and open porches may project from the building wall into the required open space (court only) not more than 4 feet. Open stairways may project from the building wall into the required open space (court only) not more than 7½ feet. Stairways when located in the required open space (court) shall be cantilevered or supported by the necessary columns only. Support by a wall other than the exterior building wall is strictly prohibited.

4. M District Requirements. All buildings and land use in any M District shall comply with the following:

A. On each lot there shall be provided an open space equal to at least 20 percent of the total lot area. Said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees, and shrubbery, except for areas used as pedestrian walks and ingress-egress drives. Ingress-egress drives shall not exceed two 20-foot lanes which are separated by open space.

B. Each individual and unattached principal structure of an industrial or office complex shall be separated from any other principal structure in the complex by an open space of not less than 16 feet in width.

#### **165.18 BUFFERS.**

1. Intent. It is recognized that the transition from one district to another district of contrasting and conflicting uses is across a barrier and line in theory and not existence; therefore, it is the intent of this chapter to require the actual provision of a physical barrier so as to reduce any possible harmful or detrimental influence one district use may or may not have to an abutting and contrasting or conflicting district use.

2. Requirement Conditions. The following conditions shall require a buffer between abutting districts:

A. All M Districts which abut any R District shall be buffered as required in this chapter.

B. Any lot in any district having both its front and rear lines abutting a public thoroughfare (a double-frontage lot) shall be buffered from the thoroughfare abutting its rear line by one of the buffer methods set forth in this chapter.

C. Any storage or loading yard in any C or M District which abuts a public thoroughfare shall be restricted from public view by a buffer.

3. Types Designated. Buffers required under the provisions of this section or elsewhere in this chapter shall be accomplished by either a buffer wall, buffer park, or approved combination thereof according to the following specifications:

A. Buffer Wall. A buffer wall shall be not less than 6 feet in height and constructed of a permanent low maintenance material, such as concrete block, cinder block, brick, concrete, precast concrete, tile block, etc. The wall shall be designed by an architect or engineer for both structural adequacy and aesthetic quality. The use of weather-resistant wood, metal, or manufactured substitutes may be used as an accessory material for aesthetic quality.

B. Buffer Park. A buffer park shall be not less than 60 feet in width, designed and landscaped by a qualified architect, engineer, or landscape architect. Predominate planting shall be of evergreen-type trees, shrubs, and plants, so as to assure year-round effectiveness. Density and height of planting shall be adequate to serve as a solid and impenetrable screen.

4. Burden of Provision. The burden of provision and selection of the buffer shall be as follows:

A. Where two different districts requiring a buffer between them are both in an existing improved condition, the requirement of a buffer is not retroactive, and should a buffer be desired, it shall be by mutual agreement between property owners or as otherwise provided by law; however, in the event any or all of the improved property is abandoned, destroyed, demolished, etc., for the purpose of renewal, redevelopment, etc., that portion of such property being renewed or redeveloped shall be considered vacant land subject to the requirements in this chapter.

B. Where one of two different districts requiring a buffer between them is partially developed, the developer of the vacant land shall assume the burden.

C. Where both districts requiring a buffer between them are vacant or undeveloped except for agricultural use, the burden shall be assumed by the developer as the land is improved or developed.

5. Waiver of Requirement. Where the line between two districts requiring a buffer follows a street right-of-way, railroad, stream, or other similar barrier, the requirement for a buffer may be waived, provided such waiver does not permit the exposure of undesirable characteristics of land use to public view.

**165.19 FENCES.**

1. Vision Clearance. On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of 2½ feet and 10 feet above the centerline grades of the area described as follows: that area bounded by the street right-of-way lines on a corner lot and a straight line joining points on said right-of-way lines 25 feet from the point of intersection of said right-of-way lines. This regulation does not apply to the C-2 District.

2. Height.

A. In any district, fences and walls not exceeding 6 feet in height are permitted within the limits of side and rear yards. A fence or wall not exceeding 4 feet in height is permitted within the limits of front yards. In the case of retaining walls and supporting embankments, the requirements of this subsection shall apply only to that part of the wall above the ground surface of the retained embankment.

B. In any district where a fence or wall is required by a section of this chapter, the subdivision regulations, or other ordinance to serve as a screening wall, buffer wall or other separating or protective wall, the height restrictions set out in paragraph A of this subsection shall yield to the requirements of this chapter or the specific ordinance.

C. Grade for determining the maximum height above grade for fences and walls shall be as follows:

(1) For a fence or wall along a street right-of-way, grade shall be the highest point of the pavement lying between the intersection of the centerline and a projection of the side lot lines.

(2) For a fence or wall between the front lot line and the front building line, grade shall be prorated between the grade at the front lot line and the grades at the building.

(3) For a fence or wall along the rear lot line or between the front building line and the rear lot line, grade shall be the grade at the building or the mean elevation of the natural ground at the rear lot line, whichever is higher.

D. Fences and walls on a corner lot shall comply with the vision clearance requirements of Section 165.19(1).

3. Fence Location and Orientation. Fences may be constructed up to the property line between adjacent properties. All fences shall be constructed with the decorative or finished side facing outward. *(Ord. 460 – Oct. 20 Supp.)*

4. Materials. Fences in residential districts shall be constructed of a durable material consistent with the character of residential development. Acceptable materials include: weather resistant wood species, split rail, treated wood, painted wood, ornamental iron or powder-coated aluminum, composite, vinyl, PVC, brick, stone, and masonry. Chain link fences are permissible only in side and back yards. *(Ord. 460 – Oct. 20 Supp.)*

5. Private Agreements Permitted. Nothing in this Section 165.19 shall prohibit adjacent property owners from agreeing to mutually construct and maintain property line fences. *(Ord. 460 – Oct. 20 Supp.)*

**165.20 OUTDOOR ADVERTISING SIGNS.**

1. Setback Requirements. In all districts where permitted, billboards shall be set back from the right-of-way line of any street or highway at least as far as the required front yard depth for a principal building in such districts. When at the intersection of streets and/or highways, the setback of any outdoor advertising sign or billboard, not including, however, business identification and directional and other incidental signs otherwise permitted under the provisions of this chapter, shall not be less than the required front yard depth for a principal building in such district from each street and/or highway.
2. Real Estate Sign. In the R Districts, real estate signs not exceeding 6 square feet in area advertising the sale, lease, or rental of buildings or land on which said signs are located are permitted. Such signs shall be a distance of at least 25 feet from the street lot line or not more than 5 feet in front of the main building.
3. Announcement Signs or Bulletin Boards. In the R Districts, announcement signs or bulletin boards may be erected upon the premises of a charitable, religious or public institution for its own use.
4. Occupant's Name and Home Occupation Signs. In the R Districts, signs not exceeding 2 square feet in area on which is displayed only the occupant's name and home occupation may be erected, not nearer than 25 feet to the front lot line or more than 5 feet in front of the main building.
5. Boardinghouse Signs. Boardinghouses and lodging houses in an R District may have one advertising sign not exceeding 12 square feet in area. Such sign shall be a distance of at least 25 feet from the street lot line or not more than 5 feet in front of the main building.
6. Service Club and Institution Signs. Signs for service clubs and semipublic institutions are permitted within the public right-of-way, provided that they are not more than 500 feet from the corporation limit; and further provided, they do not exceed 3 square feet in area. These signs are for the purpose of displaying the emblem of the club or institution and information on time and location of meetings.

[The next page is 869]

**165.21 OFF-STREET PARKING AND LOADING.** It is the intent of this section to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic; therefore, it shall be recognized that the requirements of this chapter are minimum and that in certain uses of land, these requirements may be inadequate. Where review of the site plans and intended land use indicate through the application of proven standards or experienced statistics that the requirements in this chapter are inadequate for the specific land use adaptation, a greater requirement for off-street parking space is justified and may be required to preserve the intent of this chapter.

1. In all districts, except the C-2 Central Business Commercial District, in connection with every industrial, commercial, business, trade, institutional, recreational or dwelling use and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule; however, no parking area required under this chapter shall be less than 1,000 square feet in area except in the case of dwellings and retail stores and shops under 500 square feet:

A. Automobile sales and service garages – one parking space for every 300 square feet of floor area and one parking space for every four persons regularly employed on the premises.

B. Banks, business and professional offices – one parking space for every 200 square feet of floor area and one parking space for each office in the principal building, or one and one-quarter parking spaces for each person regularly employed on the premises, whichever is greater.

C. Bowling alley – five spaces for each alley and one space for every five spectator seats.

D. Churches – one parking space for every four seats and one parking space for each classroom.

E. Dance halls and assembly halls – one parking space for every 100 square feet of floor area or one parking space for every four seats of maximum seating capacity, whichever is greater.

F. Dwellings, Residential.

(1) One-family and two-family dwellings – two parking spaces for each dwelling unit, exclusive of private garages.

(2) Multi-family dwellings – two parking spaces for each of the first 12 dwelling units and one and one-quarter parking spaces for each additional dwelling unit. One garage parking space for each dwelling unit may be counted as a portion of the parking requirement, or each garage parking space may be counted as a portion of the parking requirement when a separate visitor parking area equal to one parking space for each dwelling unit is provided.

G. Funeral homes and mortuaries – 15 parking spaces or one parking space for every four seats in the principal auditorium, or four parking spaces for each service or viewing room, whichever is greater. In addition, one parking space for every two persons regularly employed on the premises shall be provided.

H. Furniture, appliance and other retail stores displaying large and bulky merchandise – one parking space for every 400 square feet of floor area.

I. Hospitals, sanitariums and rest homes – one parking space for every four patient beds and one parking space for every two persons regularly employed on the premises.

J. Hotels, motels and lodging houses – one parking space for each room or suite of rooms offered for tourist accommodations and one parking space for every two persons regularly employed on the premises.

K. Industrial or manufacturing plants – one parking space for every two employees on the maximum working shift, or one parking space for every 1,000 square feet of floor area up to 10,000 square feet, and then one parking space for each additional 1,500 square feet thereafter, whichever is greater.

L. Restaurants, taverns, nightclubs or similar places dispensing food, drink or refreshments – one parking space for every 50 square feet of floor area devoted to patron use within the establishment. In addition, one parking space must be provided for every four persons regularly employed or intended to be regularly employed on the premises.

M. Retail stores, supermarkets, drug and sundry stores, department stores, etc.:

(1) For stores over 2,000 square feet floor area, one parking space for every 100 square feet of floor area;

(2) For stores and shops under 2,000 square feet, one parking space for every 500 square feet of floor area, and one space for each person regularly employed on the premises;

provided, however, there shall not be fewer than five parking spaces.

N. Schools and other places of education or instruction:

(1) Elementary, junior high and other places for under driving age students – one parking space for each person regularly employed on the premises. In addition, one parking space for every 20 student desks or classroom seating facilities;

(2) High schools – one parking space for each person regularly employed on the premises. In addition, one parking space for every 10 student desks or classroom seating facilities;

(3) Colleges, trade schools and other places of young adult learning – one parking space for each person regularly employed on the premises. In addition, one parking space for every four student desks or classroom seating facilities;

Parking spaces required by subparagraphs (1), (2), and (3) of this paragraph shall be in addition to requirements for sports arenas, auditorium, etc.

O. Sports arenas, theaters, auditoriums and other similar places of public assembly – one parking space for every four persons of maximum standing and seating capacity.

P. Wholesale establishments or warehouses – one space for each person regularly employed on the premises.



2. In case of any building, structure, or premises, the use of which is not specifically mentioned in this chapter, the provisions for a use which is mentioned and to which said use is similar shall apply.
3. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than 10 feet in width in the case of a dwelling, and not less than 20 feet in width in all cases leading to the loading or unloading spaces and parking or storage areas required under this chapter in such manner as to secure the most appropriate development of the property in question. Except where provided in connection with a use permitted in a residential district, such easement of access or access drive shall not be located in any residential district.
4. After the effective date of the ordinance codified in this chapter, every parcel of land used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:
  - A. No part of any parking space shall be closer than 5 feet to any established street right-of-way or alley line. In case the parking lot adjoins an R District, it shall be set back at least 5 feet from the R District boundary and shall be effectively screen-planted.
  - B. Any off-street parking area and its service drives, including any commercial parking lot for more than two vehicles, shall be surfaced with an asphaltic or Portland cement binder pavement or such other surface as shall be approved by the City Engineer so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulation within the area; and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.
  - C. Any lighting used to illuminate any off-street parking area, including any commercial parking lot, shall be so arranged as to reflect the light away from adjoining premises in any R District.
5. Off-street parking facilities for all uses, except one-family and two-family dwellings fronting on a residential street, shall be designed so as to permit entrance and exit by forward movement of the vehicle. The backing or backward movement of vehicles from an off-street parking facility onto a major thoroughfare, including all thoroughfares designated on the official major thoroughfares plan as other than residential streets, is strictly prohibited.
6. In any district, except the C-2 Commercial District, in connection with every building or part thereof erected after the effective date of the ordinance codified in this chapter, having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space plus one additional such loading space for every 20,000 square feet or major fraction thereof of gross floor area so used in excess of 10,000 square feet.
7. Each loading space shall be not less than 10 feet in width and 40 feet in length.

8. Such space may occupy all or any part of any required yard or court space, except required open space under Section 165.17 and required planting screens under Section 165.18.

9. **Parking Surface.** In residential districts, parking of outside of an enclosed structure in any rear, side, or front yard setback is permitted only if the vehicle is on a hard-surfaced area.

10. **Parking Location.** In residential districts, parking is permitted within the required front yard setback only when the following additional conditions are met:

A. Space is unavailable in the side yard behind the required front yard setback or in the rear yard, or where there is no reasonable access to the side or rear yard. A corner lot is considered to have reasonable access to the rear yard. A fence does not prevent reasonable access.

B. Enclosed parking in conformance with the requirements of the district is impossible.

C. The vehicle is parked perpendicular to the front curb.

D. The vehicle does not encroach on the right of way or sidewalk.

11. The parking and storage of recreational vehicles in are subject to the following additional conditions:

A. Recreational vehicles shall be maintained in a clean, well-kept manner.

B. Recreational vehicles designed for one or more person to sleep within the vehicle may only be so used by nonpaying guests in a residential district for a maximum of three consecutive days or 14 days during any calendar year.

C. Recreational vehicles shall not be permanently connected to utilities.

D. Recreational vehicles shall not be used for storage of goods, materials, or equipment, other than those items which are part of the unit or essential to its immediate use.

E. In residential districts, recreational vehicles shall not extend further than twenty-five (25) feet into the required front yard setback.

F. In residential districts, no more than four recreational vehicles shall be stored outside an enclosed structure on each lot, with no more than two (2) recreational vehicles of the same type.

*(Subsections 9-11 – Ord. 485 – Feb. 25 Supp.)*

## **165.22 SITE PLANS.**

1. **Compliance.** Site plans which are required for review and approval for any use in any district or elsewhere by this chapter shall comply with and illustrate the provisions of this section.

2. **Submittal Requirements.** All site plans shall be drawn on a scale not less than one inch equals 100 feet. Twelve copies of the site plan shall be submitted with zoning permit application.

3. **Preliminary Site Plan.** A preliminary site plan clearly illustrating the general methods, spatial distribution, location, etc., to be used for compliance with the

requirements of this chapter may be submitted for preliminary land use approval; provided, however, the final site plan required by this section shall be submitted, reviewed and approved prior to the issuance of a building or construction permit.

4. Final Site Plan.

A. The final site plan required shall include the following legal information:

- (1) Legal property owner's name and a description of the property.
- (2) Appellant's name, requested land use, and zoning.
- (3) If the appellant is other than the legal owner, the appellant's interest shall be indicated and the legal owner's authority to appeal shall be certified legal form.

B. The final site plan shall clearly illustrate and enumerate the following information:

- (1) Property boundary lines, dimensions and total area.
- (2) Contour lines at intervals of not more than 5 feet, City datum. If substantial topographic change is proposed, the existing topography shall be illustrated on a separate map, and the proposed finished topography shown on the final site plan.
- (3) The availability and location of existing utilities.
- (4) The proposed location, size, shape and type of all buildings or structures.
- (5) The total square feet of building floor area, both individually and collectively.
- (6) The number of dwelling units, bedrooms, offices, etc., as required to determine special compliance.
- (7) A vicinity sketch showing detailed adjacent existing land uses within 500 feet of the property, and general existing land uses within 1,000 feet of the property.
- (8) Existing buildings, right-of-way, street improvements, overhead utilities, easements, drainage courses, etc.
- (9) Parking areas, number of parking spaces proposed, number of parking spaces required by this chapter, type of surfacing to be used, etc.
- (10) Walkways, driveways, outside lighting, walls, fences, signs, monuments, statues and other manmade features to be used in the landscape.
- (11) Location and type of all plants, grass and trees to be used in the landscape. Landscaping to be used for screening purposes shall be illustrated in elevation and perspective as well as plan with the approximate size and exact name of plants, shrubs or trees to be planted clearly indicated.

(12) Walls, fences or other artificial screens to be used as buffers shall be shown in elevation and perspective as well as plan with proposed height and structural material to be used indicated.

(13) Traffic considerations, architectural themes, pedestrian movement, etc., and all other considerations pertinent to the proposed use may be requested for illustration or statistical purposes.

#### **165.23 EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS.**

1. Structures Permitted above Height Limit. The building height limitations of this chapter shall be modified as follows:

A. Chimneys, cooling towers, fire towers, grain elevators, monuments, penthouses, silos, water towers, ornamental towers, spires, radio, television, and telecommunication towers, including cell phone towers, or essential mechanical appurtenances may be erected to a height in excess of applicable district regulations by special permit.

B. Public, semipublic, or public service buildings, hospitals, sanitariums or schools, when permitted in a district, may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line at least one foot in addition to the minimum yard requirements for every two feet of additional building height above the height limit otherwise provided in the district in which the building is constructed.

2. Double-Frontage Lots. Buildings on double-frontage lots extending through from street to street shall be buffered from the rear street by a buffer wall, and access to the rear street shall be prohibited.

#### **165.24 CHANGES AND AMENDMENTS.**

1. Procedure.

A. The Council may, on its own motion or on petition, after public notice and hearing as provided by law, and after report by the Commission, amend, supplement, or change the boundaries or regulations established on or after the effective date of the ordinance codified in this chapter.

B. Any owner or owners of property may present a petition duly signed and verified requesting an amendment, supplement or change in the regulations prescribed for a district or part thereof. Such petition shall be signed by the owners of at least 50 percent of the area included in such proposed change and by the owners of 50 percent of the property within 300 feet therefrom, and said petition shall be filed with the Commission.

C. The Commission shall make a report to the Council within 60 days from the date of receipt of such petition.

D. In case the proposed amendment, supplement, or change is disapproved by the Commission, or in case of a protest against any proposed amendment or change 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 in the rear thereof, extending the depth of one lot or not to exceed 200 feet therefrom; or of those directly opposite thereto, extending the depth of one lot or not to exceed 200 feet therefrom; or of those directly opposite

thereto, extending the depth of one lot or not to exceed 200 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council.

2. Map Replacement. In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of use, the Council may adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Mayor attested by the City Clerk, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. \_\_\_\_\_ of the City of Mapleton, Iowa."

3. Zoning of Annexed Areas. Any land annexed to the City after the effective date of the ordinance codified in this chapter shall be zoned R Residential until the Commission and Council have studied the area and adopted a final zoning plan for the area in accordance with this chapter. Said final zoning plan shall be adopted within six months of the date of annexation.

#### **165.25 PERMITS AND CERTIFICATES.**

1. Interpretation. Nothing contained in this chapter shall require any change in the overall layout, plans, construction size, or designated use of any building, or part thereof, for which approvals and required building permits have been granted before the enactment of the ordinance codified in this chapter. The construction in conformance with such plans shall have been started prior to the effective date of the ordinance codified in this chapter and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.

2. Authorized Use. Building permits or certificates of zoning compliance issued on the basis of plans and applications, approved by the Zoning Administrator, authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or

construction at variance with that authorized shall be deemed a violation of this chapter.

3. Fees. The building permit fee for a new structure shall be \$2.00 per \$1,000.00 (or any part thereof) valuation, with a minimum of \$7.50. The building permit fee shall include the certificate of zoning compliance. No fee or permit shall be required for structures of less than \$200.00 valuation.

4. Building Permits Required. Buildings or other structures shall not be erected, moved, added to, or structurally altered without a permit therefor issued by the Zoning Administrator. Building permits shall be issued in conformance with the provisions of this chapter, or upon written order from the Board of Adjustment. Fees for building permits shall be as provided by City ordinance.

5. Permit Application. All applications for building permits shall be accompanied by a plan showing the actual dimensions and shape of the lot to be built upon, and the location and dimensions of the existing or proposed building or

alteration. The application shall include existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this chapter.

6. Certificate of Zoning Compliance Required. It is unlawful to use or occupy, or permit the use or occupancy of, any building or premises, or both, or part thereof, created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance has been issued therefor by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this chapter.

7. Application for Certificate of Zoning Compliance. Certificates of zoning compliance shall be applied for coincidentally with the application for a building permit and shall be issued within 10 days after the lawful erection or alteration of the building is completed in conformity with the provisions of this chapter.

8. Temporary Certificate of Zoning Compliance. A temporary certificate of zoning compliance may be issued by the Zoning Administrator for a period not exceeding six months during alterations or partial occupancy of a building pending its completion; provided, such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

9. Record of Certificates of Zoning Compliance. The Zoning Administrator shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person. Failure to obtain a certificate of zoning compliance shall be a violation of this chapter.

**165.26 CHANGE OF USE FEE.** The fees for change of use are as follows:

1. Residential use – \$20.00
2. Any use other than residential – \$40.00

**165.27 BOARD OF ADJUSTMENT.**

1. Established; Organization. A Board of Adjustment is established which shall consist of five members. The term of office of the members of the Board and the manner of their appointment shall be as provided by Chapter 414 of the *Code of Iowa*.

2. Meetings. Meetings of the Board shall be held at the call of the Chairperson, and at such other times as the Board may determine. Such Chairperson or, in the absence of the Chairperson, the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member of each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of three members is necessary to constitute a quorum.

3. Appeals; Procedure.

A. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the Zoning Administrator.

- B. Such appeal shall be taken within ten days by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.
- C. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application on notice to the Zoning Administrator and on due cause shown.
4. Fee. The fee for zoning appeal shall be \$10.00.
5. Hearing. The Board shall fix a reasonable time for the hearing on the 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 by attorney.
6. Powers; To Hear and Decide Appeals. The Board of Adjustment shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this chapter.
7. Powers; To Permit Certain Exceptions. The Board of Adjustment shall have power to permit the following exceptions to the district regulations set forth in this chapter, subject to the requirements of this section:
- A. To permit the erection and use of a building or the use of premises or vary the height and the regulations in any location for a public service corporation for public utility purposes or for purposes of public communication which the Board determines is reasonably necessary for the public convenience or welfare.
- B. To permit the extension of a use into a district where it would be otherwise prohibited in a case where a district boundary line is so located that a lot or plot is in more than one district.
- C. To hear and decide only such other special exceptions as the Board is specifically 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, or 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 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 to public hearing is given in advance of the public hearing. The owner of the property for which a special exception is sought or his agent and any other affected property owners shall be notified by mail. Notice of hearing may also be posted on the property for which a special exception is sought.

(3) The public hearing is held. Any party may appear in person, or by agent or attorney.

(4) The Board makes a finding that it is empowered under the section of this chapter described in the application, as provided for in subparagraph (1) of this paragraph, to grant the special exception, and that the granting of the special exception will not adversely affect the public interests. In granting any special exception, the Board 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 special exception is granted, shall be deemed a violation of this chapter. The Board may 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.

8. Powers; To Authorize Variances.

A. The Board of Adjustment shall have power 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 special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship.

B. A variance from the terms of this chapter shall not be granted by the Board unless and until:

(1) A written application for a variance is submitted demonstrating that:

a. 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.

b. 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.

c. The special conditions and circumstances do not result from the actions of the applicant.

d. 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 lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(2) Notice of public hearing is given in advance of the public hearing. The owner of the property for which the variance is sought or the owner's agent and any other affected property owners shall be notified by mail.



(3) The public hearing is held. Any party may appear in person or by agent or by attorney.

(4) The Board makes findings that the requirements of this chapter have been met by the applicant for a variance.

(5) The Board further makes a finding that the reasons set forth in the application justify the granting of the variance.

(6) The Board further makes 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.

(7) The Council may provide for its review of variances granted by the Board before their effective date. The Council may remand a decision to grant a variance to the Board for further study. The effective date of the variance is, in such case, delayed for thirty (30) days from the date of the remand.

C. In granting any variance, the Board 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 variance is granted, shall be deemed a violation of this chapter.

D. Under no circumstances shall the Board 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.

9. Decisions. In exercising the powers designated in this chapter, the Board 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 appealed from and may make such order, requirement, decision, or determination that ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken. The concurring vote of three members of the Board is necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator 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 the application of this chapter.

10. Appeals from Decision. Any taxpayer or any officer, department, board, or bureau of the City or any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment 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 30 days after the filing of the decision in the office of the Board. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review.

11. Questions of Interpretation and Enforcement.

A. It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law.

12. It is further the intent of this chapter that the duties of the Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this chapter. Under this chapter, the Council shall have only the duties of:

- (1) Considering and adopting or rejecting proposed amendments or the repeal of the ordinance codified in this chapter as provided by law.
- (2) Considering special permit applications for special or temporary uses as specified in Section 165.13.
- (3) Considering applications for uses not listed in any district, and not requiring Board authorization.

#### **165.28 ADMINISTRATION AND ENFORCEMENT.**

1. Zoning Ordinance to Govern. The provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this chapter shall control.

2. Authority.

A. The provisions of this chapter shall be enforced and administered by the Zoning Administrator.

B. If the Zoning Administrator shall find that any of the provisions of this chapter are being violated, the Zoning Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal 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.

C. In the absence of the Zoning Administrator, or in case that office is vacant, the Commission, acting by a majority of its appointed membership, shall assume all of the powers and duties provided for the Zoning Administrator under this chapter.

3. Conformance Required for Permit Issuance. All departments, officials, and employees of the City who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure or purpose if the same would not conform to the provisions of this chapter.

4. Complaints Regarding Violations. Whenever a violation of this chapter occurs, or is alleged to have occurred, any persons may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator. The Administrator shall record properly such complaint and immediately investigate and take action thereon as provided by this chapter.

<b>EDITOR'S NOTE</b>			
The following ordinances have been adopted amending the Official Zoning Map described in Section 165.03 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.			
<b>ORDINANCE NO.</b>	<b>DATE ADOPTED</b>	<b>ORDINANCE NO.</b>	<b>DATE ADOPTED</b>
357	November 13, 1996		
362	June 2, 1997		
411	May 26, 2011		
414	September 12, 2012		
438	November 8, 2017		
440	April 11, 2018		
457	May 13, 2020		

[The next page is 901]

## CHAPTER 166

# AIRPORT LAND USE AND HEIGHT OVERLAY ZONING ORDINANCE

166.01 Introduction	166.11 Land Use Zone Compatibility
166.02 Authority	166.12 Airport Zoning Ordinance Administration
166.03 Statement of Purpose and Findings	166.13 Airport Zoning Permits
166.04 Short Title	166.14 Hazardous Markings and Lighting
166.05 Applicability	166.15 Height Limitations
166.06 Definitions	166.16 Airport Board of Adjustment
166.07 Air Space Obstruction Zoning	166.17 Variances
166.08 Airport Zoning Requirements	166.18 Judicial Review
166.09 Nonconformities	166.19 Penalties and Fines
166.10 Land Use Safety Zones	166.20 Conflicting Regulations

**166.01 INTRODUCTION.** This ordinance shall regulate and restrict the height of structures, objects, and growth of natural vegetation, as well as land uses; otherwise regulating the use of property, within the vicinity of the Mapleton Municipal Airport (the “Airport”). Creation of appropriate zones and establishing the boundaries thereof, as well as providing for changes in the restrictions and boundaries of such zones is vested in this ordinance. The Airport Land Use & Height Zoning maps are incorporated into and made part of this ordinance. This document also provides for the enforcement of the provisions contained within this ordinance, the establishment of an Airport Zoning Board of Adjustment; and imposition of penalties related to the implementation of the ordinance. The 2014 Airport Land Use & Height Overlay Zoning Ordinance is created by the City of Mapleton and Monona County, Iowa with assistance from Siouxland Interstate Metropolitan Planning Council of Sioux City, Iowa and DGR Engineering of Rock Rapids, IA.

**166.02 AUTHORITY.** Iowa Code Section 329.3, Airport Zoning, empowers local municipalities to zone airports including dividing such area into zones, and within such zones, specify the land uses permitted, and regulate and restrict, for the purpose of preventing airport hazards, the heights to which structures and trees may be erected or permitted to grow.

**166.03 STATEMENT OF PURPOSE AND FINDINGS.** The Mapleton Municipal Airport is acknowledged as an essential public facility to the State of Iowa and the local community. The creation or establishment of an airport hazard is a public nuisance and poses a potential concern to the surrounding communities served by the Airport. There shall be no creation or establishment of a hazard that neither endangers public health, safety, welfare, and affects an individual’s quality of life nor prevents the safe movement of aircraft at the Airport. For the protection of the public health, safety, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards. The prevention of airport hazards shall be accomplished, to the extent legally possible, by proper exercise of the police power. The prevention of new airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards, are considered to be a public purpose for which the City of Mapleton and/or Monona County may raise and expend public funds, as an incident to the operation of airports, to acquire or property interest therein.

**166.04 SHORT TITLE.** This Ordinance shall be known and may be cited as the Mapleton Airport Zoning Ordinance, and it is referred to as the “Ordinance” within the following document.

**166.05 APPLICABILITY.** This ordinance encompasses a general area surrounding the Airport. Specific dimensions associated with the zoning boundary are shown in the Mapleton Airport Land Use & Height Overlay Zoning Maps on file in the office of the Zoning Administrator.

**166.06 DEFINITIONS.** The following definitions shall be utilized for terms as appropriate to the ordinance.

1. Airport. (*FAA FAR Sec. 152.3*). Any areas of land or water that is used, or intended for use, for the landing and takeoff of aircraft. Any appurtenant areas that are used, or intended for use, for airport buildings, other airport facilities, or rights-of-way; and all airport buildings and facilities located on the areas specified in this definition. The Airport is owned by the City of Mapleton, Iowa.
2. Airport Elevation. (*FAA AC 150/5190-4A*). The highest point on an airport's usable landing area measured in feet from sea level.
3. Airport Hazard. (*FAA FAR Sec. 152.3*). Any structure, tree or obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace for the purpose of determining the height limits as may be set forth in the Monona County Code of Ordinances.
4. Airport Layout Plan (ALP). (*FAA FAR Sec. 152.3*). The plan of an airport showing the layout of existing and proposed airport facilities.
5. Airport Overlay Zones. A zone intended to place additional land use conditions on land impacted by the airport while retaining the existing underlying zone. The FAR Part 77 Surfaces and RPZs have been combined to create five airport overlay zones. The five specific zones create a comprehensive area focused on maintaining compatible land use around airports.
  - A. Zone A [Runway Protection Zone] - is intended to provide a clear area that is free of above ground obstructions and structures. This zone is closest to the individual runway ends.
  - B. Zone B [Approach Surface] - is a critical overlay surface that reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft utilizing the runway.
  - C. Zone C [Transitional Surface] - includes those areas that are parallel to the runway pavement and extend from the edge of the primary surface.
  - D. Zone D [Horizontal Surface] - is typically elliptical in shape, depending upon the runway types and configurations at an individual airport.
  - E. Zone E [Conical Surface] - is the outermost zone of the overlay areas and has the least number of land use restriction considerations. Zone E begins at the edge of the horizontal surface and is 4,000 feet in width paralleling the horizontal surface.

6. Airport Zoning Permit. Airport zoning permit allowing new development or alteration or expansion of a nonconforming use.
7. Airspace. The space lying above the earth or above a certain area of land or water that is necessary to conduct aviation operations.
8. Airport Land Use & Height Overlay Zoning Map. The airport land use & height overlay zoning map is compiled from the criteria in FAR Part 77, "Objects Affecting Navigable Airspace." It shows the area affected by the Airport Overlay Zoning Ordinance, and includes the layout of runways, airport boundaries, elevations, and area topography. Applicable height limitation areas are shown in detail.
9. Approach Slope. (*FAR Part 77*). The ratio of horizontal to vertical distance indicating the degree of inclination of the Approach Surface. The ratio is 20:1 for all utility and visual runways extended from the primary surface a distance of 5,000 feet.
10. Approach Surface. (*FAA AC 150/5190-4A*). A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
11. Compatibility. The degree to which land uses or types of development can coexist or integrate.
12. Easement. (*FAA AC 5020-1*). The legal right of one party to use a portion of the total rights in real estate owned by another party. This may include the right of passage over, on, or below property; certain air rights above the property, including view rights; and the rights to any specified from of development or activity, as well as any other legal rights in the property that may be specified in the easement document.
13. Federal Aviation Administration (FAA). A federal agency charged with regulating air commerce to promote its safety and development; encourage and develop civil aviation, air traffic control, air navigation; and promoting the development of a national system of airports.
14. Federal Aviation Regulations (FAR). (*FAA FAR*). Regulations established and administered by the FAA that govern civil aviation and aviation-related activities.
  - A. FAR Part 36. (*FAA FAR Sec. 36.1*). Regulation establishing noise standards for the civil aviation fleet.
  - B. FAR Part 91. (*FAA FAR Sec. 91.1*). Regulation pertaining to air traffic and general operating rules, including operating noise limits.
  - C. FAR Part 150. (*FAA FAR Sec. 150.1*). Regulation pertaining to airport noise compatibility planning.
  - D. FAR Part 161. (*FAA FAR Sec. 161.1*). Regulation pertaining to notice and approval of airport noise and access restrictions.
  - E. FAR Part 77. (*FAA FAR Sec. 77.1*). Objects Affecting Navigable Airspace - Part 77 (a) establishes standards for determining obstructions in navigable airspace; (b) defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (d) provides for public hearings on

the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.

15. General Aviation Airport. Any airport that is not an air carrier airport or a military facility.

16. Height. Height is utilized for the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the official zoning maps; height shall be measured as the highest point of a structure, tree, or other object of natural growth, measured from the mean sea level elevation unless otherwise specified.

17. Imaginary Surfaces. (*FAA FAR Part 77.25*). Those areas established in relation to the airport and each runway consistent with FAR Part 77 in which any object extending above these imaginary surfaces, by definition, is an obstruction.

A. Transitional surface. The transitional surface extends outward and upward at right angles to the runway centerline and extends at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.

B. Horizontal surface. The horizontal surface is a horizontal plane located 150 feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.

C. Conical surface. The conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one foot vertically (20:1) for a horizontal distance of 4,000 feet.

D. Approach surface. The approach surface is longitudinally centered on an extended runway centerline, and extends outward and upward from the end of the runway primary surface.

18. Incompatible Land Use. (*FAA FAR Sec. 150.7*). The use of land which is normally incompatible with the aircraft and airport operations (such as, but not limited to, homes, schools, nursing homes, hospitals, and libraries).

19. Land Use Compatibility. The coexistence of land uses surrounding the airport with airport-related activities.

20. Lighting and Marking of Hazards to Air Navigation. Installation of appropriate lighting fixtures, painted markings or other devices to such objects or structures that constitute hazards to air navigation.

21. Mitigation. The minimization, reduction, elimination or compensation for adverse environmental effects of a proposed action.

22. Noise Impact. A condition that exists when the noise levels that occur in an area exceed a level identified as appropriate for the activities in that area.

23. Noise Sensitive Area. (*FAA AC 91-36D*). Defined as an area where noise interferes with normal activities associated with the area's use. Examples of noise-sensitive areas include residential, educational, health, and religious structures and sites, and parks, recreational areas (including areas with wilderness characteristics),



wildlife refuges, and cultural and historical sites where a quiet setting is a generally recognized feature or attribute.

24. Non-Conforming Use. (*FAA Web site*). Any pre-existing structure, tree, or use of land that is inconsistent with the provisions of the local land use or airport master plans.

25. Object. (*FAA AC 150/5300-13*). Includes, but is not limited to above ground structures, navigational aids, people, equipment, vehicles, natural growth, terrain, and parked aircraft.

26. Obstacle Free Zone (OFZ). (*FAA 150/5300-13*). The OFZ is the airspace below 150 feet (45 m) above the established airport elevation and along the runway and extended runway centerline that is required to be clear of all objects, except for the frangible visual NAVAID's that need to be located in the OFZ because of their function, in order to provide clearance protection for the aircraft landing or taking off from the runway, and for missed approaches.

27. Obstruction. (*FAA AC 150/5190-4A*). Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, specific to its geographic location relative to the runway/airport.

28. Overlay Zone. A mapped zone imposing requirements in addition to those of the underlying zoning district.

29. Primary Surface. (*FAA AC 150/5190-4A*). A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in FAR Part 77. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

30. Primary Runway. (*FAA AC 150/5325-4B*). The runway used for the majority of airport operations. Large, high-activity airports may operate two or more parallel primary runways.

31. Public Use Airport. (*FAA AC 150/5190-6*). Means either a publicly owned airport or a privately owned airport open for public use.

32. Runway Protection Zone (RPZ). (*FAA AC 150/5300-13*). An area off the runway end designed to enhance the protection of people and property on the ground.

33. Structure. Any object constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, antenna, mobile homes, billboards, poster panels, factories, sheds, cabins, factory-built homes, satellite dish antenna, storage tanks, towers and other similar uses.

34. Variance. A modification of the specific regulations of this chapter granted by resolution of the Board of Adjustment in accordance with the terms of this chapter for the purpose of assuring that no property, because of special circumstances and hardships applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district.

35. Visual Approach. An approach to an airport conducted with visual reference to the terrain.

36. Visual Runway. (*FAA AC 150/5300-13*). A runway without an existing or planned straight-in instrument approach procedure.

37. Wildlife Hazards. Wildlife (birds, mammals, reptiles), including feral animals and uncontrolled domesticated animals associated with aircraft strike problems, and capable of causing structural damage to airport facilities or attractants to other wildlife that pose a strike hazard.

**166.07 AIR SPACE OBSTRUCTION ZONES & AIRPORT OVERLAY ZONING MAPS.** The zones established by this ordinance is illustrated on the official Mapleton Municipal Airport Land Use & Height Overlay Zoning Map consisting of two (2) sheets, prepared by DGR Engineering. Such Official Airport Land Use & Height Overlay Zoning Map may be amended from time to time, and all notations, references, elevations, data, zone boundaries, and other information thereon, is hereby adopted as part of this ordinance.

**166.08 AIRPORT ZONING REQUIREMENTS.** In accordance with Section 329.10, Iowa Code, there are three (3) principal airport zoning requirements supported by additional information contained within the following remaining sections of this ordinance. These basic zoning requirements state:

1. All airport zoning regulations adopted under this chapter shall be reasonable and none shall impose any requirement or restriction that is not necessary to make effective the purposes of this ordinance.
  - A. Airport zoning regulations adopted under this ordinance may require the removal, lowering, or other change or alteration of any structure or tree, or a change in use, not conforming to the regulations when adopted or amended.
  - B. Airport zoning regulations adopted under this ordinance may require a property owner to permit the City of Mapleton and/or Monona County to install, operate, and maintain on the property markers and lights as necessary to indicate to operators of aircraft the presence of the airport hazard, when adopted or amended.
2. All such regulations may provide that a preexisting nonconforming structure, tree, or use, shall not be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when the airport zoning regulations or amendments to the regulations were adopted.

The City of Mapleton, or the City and Monona County in conjunction, will be responsible for the initial removal of trees, structures, or other natural or man-made obstructions that are not conforming to the regulations of this ordinance when adopted or amended. Any subsequent alterations or removal of any natural or man-made obstructions to the Airport or its airspace will be responsibility of the property owner.

**166.09 NONCONFORMITIES.** It is the intent of this ordinance to permit legal nonconforming buildings, structures, or natural resources to continue until they are removed but not to encourage their continuance, unless such nonconforming use is determined by the FAA to be a hazard within one of the airport zones and must be altered or changed in accordance with FAA regulations. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used to add other nonconforming structures prohibited elsewhere in the defined airport zones.

In accordance with Section 329.10, Iowa Code, and stated above in Section 8. of this ordinance, any preexisting nonconforming structure, tree, or land use, shall not be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when the airport zoning regulations or amendments to the regulations were adopted. With that stated, where a lawful building or structure exists prior to the effective date of adoption or amendment of this ordinance that cannot be built under the terms of this airport ordinance by reason of restrictions on height or land use compatibility, such structure may be continued so long as it remains otherwise lawful and in compliance with FAA regulations; subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way that increases its nonconformity. Such structure may be enlarged or altered in a way that does not increase its nonconformity.
2. Should such nonconforming structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost, it shall be reconstructed only in conformity with the provisions of this airport ordinance.
3. Should any nonconforming structure be moved within the boundaries of any of the five (5) airport zones for any reason or for any distance whatever, it shall thereafter conform to the regulations of this airport zoning ordinance.
4. Discontinuance. In the event a nonconforming building, structure or use is discontinued for a period of two (2) years, the height or land use compatibility shall conform thereafter to the provisions of this airport zoning ordinance.

On any nonconforming building or structure, work may be done on ordinary repairs or replacement of non-bearing walls not exceeding fifty percent (50%) of the assessed value of the building, provided the cubic content of the building shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety upon orders of such official. There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, buildings or structures.

**166.10 LAND USE SAFETY ZONES.** FAR Part 77 Surfaces and Runway Protection Zones have been combined to create five (5) airport overlay zones. These five zones are designed to maintain compatible land uses around the Airport. The zones shall be evaluated for compatible land uses. Specific dimensions for the individual zones for each runway end are noted in the following tables and text. The Airport Land Use & Height Overlay Zoning Maps should be evaluated to determine the specific area of impact associated with each zone.

1. Zone A is intended to provide a clear area that is free of above-ground obstructions and structures. Runway Protection Zones (RPZs), formerly known as clear zones, were originally established to define land areas below aircraft approach paths in order to prevent the creation of airport hazards or development of incompatible land use. As stated in the Iowa Airport Land Use Guidebook, 2008, the FAA adopted clear zones with dimensional standards to implement a recommendation from the 1952 President's Airport Commission study that identified the establishment of clear areas beyond runway ends was deemed worthy of federal management. RPZs are designed with the intent to protect people and property on the ground. They are located at the end of each runway and should ideally be controlled by the airport. Control is preferably exercised by acquisition of sufficient property interest to achieve and maintain an area that is clear of all incompatible land uses, objects, and activities.

Table 1. Zone A - Dimensional Requirements

	Runway Ends	Approach Visibility Minimums <sub>1</sub>	Dimensions		
			Length L feet	Inner Width W <sub>1</sub> feet	Outer Width W <sub>2</sub> feet
<b>Existing Runway</b>	<b>Runway 2</b>	1-mile, non precision	1,000	500	700
	<b>Runway 20</b>	1-mile, non precision	1,000	500	700

1. The RPZ dimensional standards are for the runway end with the specified approach visibility minimums.

Source: FAA AC 150/5300-13, current edition, Airport Design Standards

2. Zone B is a critical airport overlay zoning surface that reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft utilizing the runway. The approach surface is longitudinally centered on the extended runway centerline and extends outward and upward from the end of the primary surface. The inner edge of the approach surface is the same width as the primary surface and expands uniformly. Table 2 below illustrates the various sizes of Zone B based upon the specific runway criteria. A portion of Zone B is overlain by Zone A because the approach surface and RPZ overlap the entire length of the RPZ. Consequently, the length of Zone B begins at the inner edge of the RPZ.

Table 2. Airport Overlay Zones B through E Dimensional Standards

Item	Runway Dimensional Standards (Feet)	
	Runway 2	Runway 20
Primary Surface width and <b>Zone B</b> inner width	500	500
<b>Zone B</b> end width	2,000	2,000
<b>Zone B</b> length	5,000	5,000
<b>Zone C</b> width	1,050	1,050
<b>Zone D</b> radius	5,000	5,000
<b>Zone E</b> width	4,000	4,000

3. Zone C – Transitional Surface. Zone C includes those areas that are parallel to the runway pavement and extend 1,050 feet from the edge of the primary surface paralleling the runway and extended runway centerline until they reach the end of Zone A at a 90 degree angle. The specific dimensions for Zone C are based upon various options for the primary surface that is predicated upon the type of approach and critical aircraft. The transitional surface (Zone C) extends outward and upward at right angles to the runway centerline and extends at a slope of seven feet horizontally for each one-foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.

4. Zone D – Horizontal Surface. Zone D is typically elliptical in shape, depending upon the runway types and configurations at individual airports. The horizontal surface is a horizontal plane located 150 feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc for all runway ends designated as utility or visual airports is 5,000 feet.

5. Zone E – Conical Surface Zone E is the outermost zone of the airport overlay zoning areas and has the least number of land use restriction considerations. The zone begins at the edge of the horizontal surface and is 4,000 feet in width paralleling the horizontal surface. According to the Iowa Airport Land Use Guidebook, the conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one foot vertically (20:1) for a horizontal distance of 4,000 feet. Height limitations for the surface range from 150 feet above the airport reference elevation at the inner edge to 350 feet at the outer edge.

**166.11 LAND USE ZONE COMPATIBILITY.** The need to plan for compatible land use near airports is not a new concept. Compatible land use was recognized as early as 1952 in a document entitled *The Airport and Its Neighbors - The Report of the President's Airport Commission*. As stated in the Iowa Airport Land Use Guidebook, the incidence of incompatible land uses and impact on airport operations and development have escalated. As decisions to allow incompatible land uses near airports threaten the nation's aviation system, implementation of compatible land use controls have become an industry priority. It is important for the Mapleton Airport to maintain an obstruction-free airport and associated airspace. This includes the area that encompasses the airport, runway protection zones, approach areas, and general vicinity of the airport. While some of these areas are owned by airports, the bulk of the land beyond airport boundaries is privately owned and needs to be managed by the local municipality and/or county in which the airport jurisdiction falls. FAA criteria, such as grant assurances and design guidelines, along with aviation accident statistics, provide the foundation and the justification for compatible land uses.

*DEFINITION OF "COMPATIBLE LAND USE" - Airport compatible land uses are defined as those developments that comply with generally accepted restrictions on location, height, and activity that provide for safe aircraft movement and airport operations. Additionally, it includes the preservation of public health, safety, and welfare for those persons located in the airport's environs.*

The above stated definition, defined in the Iowa Airport Land Use Guidebook, appears vague since no specific land use types are specified. However, the vagueness is intentional because nearly every type of land use can be both compatible and incompatible depending upon the particular aspects of the land use, including management of the land use, location of the land use relative to the airport. For example, land uses typically considered to be compatible with airport operations include commercial, industrial, and agricultural activities. With that said, each of these uses may also contain aspects considered incompatible such as:

- Commercial uses may have dense concentrations of people
- Industrial uses that can generate smoke/steam that creates visual obstructions
- Agricultural operations can act as wildlife attractants in certain circumstances

The City of Mapleton and Monona County must each and collaboratively assess the compatibility of the land uses in detail as related to the Airport. Descriptions of land use issues include high concentrations of people, tall structures, visual obstructions, and wildlife and bird attractants.

Lastly, land use compatibility is critical to the Airport because certain grant assurances are required as part of a project application from airports that are eligible to request federal funds. Upon acceptance of grant money, these assurances are incorporated into and become part of the grant agreement. The airport sponsor is obligated to comply with specific assurances, which include the maintenance of compatible land use within the vicinity of the airport. Specifically, Grant Assurance 21 included in the September 1999 amendment to 49 USC 47107, requires all airports that accept federal money to take appropriate action against incompatible land uses in the immediate vicinity of the airport. Such actions include adopting zoning laws and zoning changes that will increase airport land use compatibility. This grant assurance obligates an airport sponsor to protect the federal investment through the maintenance of a safe operating environment. The development of compatible land uses near airports is supported through cooperative comprehensive planning that includes FAA standards. Land use compatibility is a requirement for eligibility to receive FAA grant money for airport improvements. Adjacent land uses that are not compatible with airports may result in the loss of federal or state funding for airports.

The following tables shall be utilized to evaluate land use compatibility for various land use classifications.

1. Uses identified as **compatible** shall not require additional review; however, consideration should be given to the following areas of concerns: High concentrations of people, tall structures, visual obstructions, or wildlife and bird attractants.
2. Uses found to be **NOT compatible** shall be precluded from development within the specific zones. The applicant reserves the right to apply for a variance for an incompatible use to be built within the requested airport zone and in accordance with FAA requirements. Variances will be reviewed by the Airport Board of Adjustment.
3. Uses found to require **additional review** shall be evaluated for general compatibility by the Mapleton Zoning Administrator for potential conflicting land uses or potential negative affects that may need to be mitigated. If the areas of concern are addressed by the applicant, the Airport Zoning Administrator shall recommend issuance of the zoning permit. If no areas of potential conflicting uses or incompatible land uses are identified, or need to be mitigated, the Airport Zoning Administrator shall proceed to recommend issuance of the zoning permit.

Mapleton Airport Zone – Land Use Chart					
<i>C = Compatible</i>		<i>AR = Additional Review Required</i>		<i>NC = Not Compatible</i>	
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E
<b>Residential Uses</b>					
<b>Single Family Detached Dwelling</b> <i>(i.e. single family, mobile or manufactured)</i>	AR	AR	C	C	C
<b>Multi-Family Uses</b> <i>(i.e. apartments, condos, townhouse, etc.)</i>	AR	AR	C	C	C
<b>Group Living Uses</b> <i>(i.e. group or nursing homes, assisted living)</i>	AR	AR	C	C	C
<b>Manufactured/Mobile Housing Parks</b>	NC	AR	C	C	C
<b>Commercial Uses</b>					
<b>Retail Sales</b> <i>(i.e. convenience stores, electronics, furniture, groceries, hardware, malls, etc.)</i>	AR	AR	C	C	C
<b>Outdoor Storage and Self-Service Storage</b> <i>(i.e. storage yards, vehicles sales, landscaping, equipment sales, mini-warehousing, etc.)</i>	AR	AR	C	C	C
<b>Vehicle Repair Uses</b> <i>(i.e. repair or service shops, alignment, tire sales)</i>	AR	AR	C	C	C
<b>All Other Commercial Uses</b> <i>Any other commercial use not classified in one of the above listed categories</i>	AR	AR	C	C	C
<b>Industrial Uses</b>					
<b>Light Manufacturing</b> <i>(i.e. research, HVAC, plumbing, janitorial, engineering, assembly, warehousing, etc.)</i>	AR	AR	C	C	C
<b>*Heavy Manufacturing</b> <i>(i.e. concrete plants, packing, animal, ethanol or other facilities with excessive smoke or dust)</i>	NC	NC	AR	C	C
<b>Mining and Extraction Uses</b>	NC	AR	AR	C	C
<b>Waste Related Uses</b> <i>(i.e. recycling centers, landfills, waste transfer stations, hazardous waste collection sites, etc.)</i>	NC	NC	NC	AR	AR
<b>Salvage Operations</b> <i>(i.e. collect, store, and dismantle damaged or discarded vehicles, machinery, etc.)</i>	AR	C	C	C	C

<b>Mapleton Airport Zone – Land Use Chart</b>					
<i>C = Compatible      AR = Additional Review Required      NC = Not Compatible</i>					
<b>Land Uses</b>	<b>Zone A</b>	<b>Zone B</b>	<b>Zone C</b>	<b>Zone D</b>	<b>Zone E</b>
<b>Civic &amp; Public Uses</b>					
<b>Basic Utility Uses</b> <i>(i.e. utility facilities, electrical substations, water and sewer lift stations, water towers)</i>	NC	AR	AR	C	C
<b>General Community Services</b> <i>(i.e. libraries, community centers, police/fire, etc.)</i>	AR	AR	C	C	C
<b>Daycare Uses</b> <i>(i.e. daycare, preschools, after school care)</i>	AR	AR	C	C	C
<b>Educational Facilities</b> <i>(i.e. any public or private school)</i>	AR	AR	AR	C	C
<b>Hospitals</b> <i>(i.e. hospitals, medical centers)</i>	AR	AR	AR	C	C
<b>Religious Assembly or Civic Uses</b> <i>(i.e. churches, religious use or civic clubs)</i>	AR	AR	AR	C	C
<b>Infrastructure Uses</b>					
<b>Communication Uses</b> <i>(i.e. wireless, emergency towers, antennas, etc)</i>	NC	AR	AR	AR	AR
<b>Transportation and Parking Uses</b> <i>(i.e. highways, local roads, parking lots, etc.)</i>	C	C	C	C	C
<b>Utility Uses</b> <i>(i.e. solar power, wind generators, wind farms)</i>	NC	NC	AR	AR	AR
<b>Agriculture Uses</b>					
<b>Agriculture Plant-related</b> <i>(i.e. crops, vegetable, fruit, and tree farms, etc.)</i>	AR	C	C	C	C
<b>Agriculture Animal-related</b> <i>(i.e. livestock production, dairies, horse farms)</i>	AR	C	C	C	C



<b>Mapleton Airport Zone – Land Use Chart</b>					
<i>C = Compatible</i>		<i>AR = Additional Review Required</i>		<i>NC = Not Compatible</i>	
<b>Land Uses</b>	<b>Zone A</b>	<b>Zone B</b>	<b>Zone C</b>	<b>Zone D</b>	<b>Zone E</b>
<b>Recreation Uses</b>					
<b>Outdoor Commercial Recreation</b> (i.e. camping, swimming pool, drive-in theaters, amphitheaters, fairgrounds, race tracks, etc.)	AR	AR	AR	C	C
<b>Indoor Commercial Recreation</b> (i.e. health clubs, bowling alleys, skating rinks, billiard halls, arcades, indoor theaters)	AR	AR	C	C	C
<b>Golf Recreation</b> (driving ranges, golf courses, country clubs)	AR	AR	AR	C	C
<b>Parks</b> (i.e. aquatic, neighborhood, school, community)	AR	C	C	C	C

Regarding the land use compatibility charts on the previous pages, if a specific use of land, building or structure is proposed by an applicant and not identified on the land use compatibility charts, the Airport Zoning Administrator shall be responsible for determining the level of land use compatibility in each applicable zone. If the applicant disagrees with the decision, they may appeal the decision of the administrator and have the Airport Board of Adjustment make a determination on the proposed land use compatibility.

**166.12 AIRPORT ZONING ORDINANCE ADMINISTRATION.** As stated in Section 329.13, Iowa Code, all airport zoning regulations adopted under this ordinance shall provide for the administration and enforcement of such regulations by an administrative agency. For purposes of the Mapleton Airport Zoning Ordinance, the administration will be enforced by the Mapleton Zoning Administrator with consultation and cooperation from the Monona County Zoning Administrator. However, in no case, shall such administrative agency be or include any member of the airport Board of Adjustment. The duties of any administrative agency designated pursuant to the Iowa Code or this ordinance shall not include any of the powers herein delegated to the Board of Adjustment. The Mapleton Zoning Administrator will be recognized as the Airport Zoning Administrator since the operation of the Airport falls within the jurisdiction of the city. If needed, the Monona County Zoning Administrator may be called upon from time to time to consult with and/or confer with the Airport Zoning Administrator about the airport zoning ordinance regulations.

**166.13 AIRPORT ZONING PERMIT REVIEW.** Buildings or other structures located within the Airport land use and height overlay zoning area, as defined herein, shall be reviewed in accordance with the allowable height and land use classifications accordingly. All proposed land uses, exclusive of communication uses (e.g. specifically cell towers, antennas, etc.), utility uses (e.g. specifically wind generators, wind farms) and waste related uses (e.g. specifically landfills), shall be exempted from the airport zoning review if the proposed building or structure is located within airport overlay Zones D and E and it meets the height

requirements of the Mapleton Airport Zoning Ordinance and the zoning ordinance for the jurisdiction it is located within.

Furthermore, those proposed buildings or structures to be located within airport overlay zones A, B, and C of the Airport land use and height overlay zoning area, as defined herein, such proposed buildings or structures shall automatically be reviewed by the Airport Zoning Administrator in accordance with both height and land use conformance. Airport zoning permits may be reviewed and granted in conjunction with or supplemental to an Mapleton zoning permit or any zoning permit in the county or other affected communities.

It shall be the duty of the zoning administrator or reviewer in each affected jurisdiction within the boundaries of the Airport land use and height overlay zoning area to determine if such proposed building or structure meets the initial criteria for additional height and land use review or if the proposed use is exempted from additional review. If the affected jurisdiction determines an additional level of review is needed, the appropriate authority shall submit a copy of the zoning permit under review to the Airport Zoning Administrator. Upon review by the Airport Zoning Administrator, comments and a recommendation on approval, approval with conditions or denial of such permit shall be returned to the originating jurisdiction in which the proposed building or structure is located.

The Airport Zoning Administrator shall approve the permit if after evaluation, the proposed project is found to be adequately compatible. Should the proposed project be found to be incompatible after review, the Airport Zoning Administrator shall recommend denial of the permit. Should the permit be denied, the applicant shall have the right to request an appeal as prescribed in this ordinance. Any airport zoning review shall be null and void if the purpose for which the permit is issued has not commenced within one (1) year from date of issuance. Should the activity not be commenced within that time, a new airport zoning review shall be required.

**166.14 HAZARDOUS MARKINGS AND LIGHTING.** This section provides for safe aircraft operations, as well as the health, safety, and welfare of individuals on the ground within the vicinity of the airport by identifying lighting and marking requirements. Lighting and marking requirements will be determined through an FAA 7460-1 airspace analysis. The owner of any structure, object, natural vegetation, or terrain is hereby required to install, operate, and maintain such markers, lights, and other aids to navigation necessary to indicate to the aircraft operators in the vicinity of an airport the presence of an airport hazard. Hazardous markers and lights shall be installed, operated, and maintained at the expense of the owner of such building, structure or object requiring such lighting or marking requirements within the findings of an FAA 7460-1 airspace analysis.

**166.15 HEIGHT LIMITATIONS.** No structure, object, natural vegetation, or terrain shall be erected, altered, allowed to grow or be maintained within any airport zoning district established by this ordinance to a height in excess of the applicable height limitations set forth in this ordinance and the airport zoning map. The permitted height shall not exceed the difference between the grade elevation and the height limitation numbers illustrated on the "Official Mapleton Airport Land Use & Height Overlay Map" within the airport zoning district encompassed by this ordinance. The Airport Land Use & Height Overlay Map is located in the Mapleton city offices and the Monona County Zoning Office. An FAA 7460-1 airspace review shall provide a portion of the information necessary to evaluate potential height impacts. However, it shall not be the sole source of review. Furthermore, if the height limitations of this airport zoning ordinance and accompanying Airport Land Use & Height Overlay Map are in conflict with the underlying height limitations imposed within the City of

Mapleton, Monona County or any of the adjacent cities zoning ordinances, the more restrictive height limitation shall apply.

**166.16 AIRPORT BOARD OF ADJUSTMENT.** The Airport Board of Adjustment shall consist of two (2) members each from the City of Mapleton and Monona County, selected by the governing body thereof, and one (1) additional member to be selected by the Mapleton Airport Board. The two members from the City of Mapleton and Monona County will serve a dual purpose from their current placement on the city or county's Board of Adjustment. The five (5) appointed members will select a chairperson amongst themselves. Board of Adjustment members may be removed for cause by the appointing authorities (either City of Mapleton or Monona County) upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which said member was selected. The terms of the board members shall be for five (5) years, except when the board is first created, one (1) of the members appointed by each participating governmental jurisdiction shall be appointed for a term of two years and one (1) for a term of four years. The Board of Adjustment will only be used if deemed necessary.

Any person, property owner, or taxpayer impacted by any decision of this ordinance, may appeal to the Board of Adjustment. According to Section 329.12, Code of Iowa, the governing body of any municipality seeking to exercise powers under Chapter 329, shall by ordinance provide for the appointment of a Board of Adjustment, as provided in section 414.7 for a city, or as provided in section 335.10 for a county. The board of adjustment has the same powers and duties, and its procedure and appeals are subject to the same provisions as established in sections 414.9 to 414.19 for a city, or sections 335.12 to 335.21 for a county. The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under any regulations adopted pursuant to this chapter or to effect any variance therefrom.

**166.17 VARIANCES.** In accordance with Section 239.11, Code of Iowa, any person desiring to erect, alter, or increase the height of any structure, object, or to permit the growth of any natural vegetation, or otherwise use the person's property in violation of airport zoning regulations adopted under this ordinance, may apply to the Board of Adjustment for a variance from such zoning regulations. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but would do substantial justice and be in accordance with the spirit of the regulations and this chapter; provided, however, that any such variance may be allowed subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purposes of this Ordinance. No application for variance to the requirements of this ordinance may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Airport Zoning Administrator for an opinion as to the aeronautical effects of the variance. The variance will be filed within the correct jurisdiction.

**166.18 JUDICIAL REVIEW.** This section defines the method for the judicial review process. In following a process set forth in the Mapleton Zoning Ordinance, any person or persons, or any board, taxpayer, department, board or bureau of the city 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 of Iowa and particularly by Section 414.15, *Code of Iowa*.

**166.19 PENALTIES AND FINES.** Any violation of this ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a municipal infraction. In accordance with existing Mapleton or Monona County zoning ordinance regulations (Chapter 100, Section 100.28 of the Monona County Code of Ordinances), any violation of the Airport Ordinance shall be subject to the same fines and penalties as a zoning violation. Each day a violation continues shall constitute a separate offense.

**166.20 CONFLICTING REGULATIONS.** In accordance with Section 329.8, Code of Iowa, where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to height or structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

[The next page is 925]

## CHAPTER 170

# SUBDIVISION REGULATIONS

170.01 Short Title	170.16 Pre-Application Conference
170.02 Purpose	170.17 Sketch Plan Required
170.03 Application	170.18 Presentation to Planning Commission and City Council
170.04 Recording of Plat	170.19 Subdivision Classified
170.05 Fees Established	170.20 Plats Required
170.06 Penalties	170.21 Requirements of the Preliminary Plat
170.07 Building Permit to Be Denied	170.22 Procedures for Review of Preliminary Plats
170.08 Terms Defined	170.23 Duration of Approval of Preliminary Plat
170.09 Improvements Required	170.24 Authorization to Install Improvements
170.10 Inspection	170.25 Completion and Acceptance of Improvements
170.11 Minimum Improvements	170.26 Performance Bond Permitted
170.12 Easements Required	170.27 Requirements of the Final Plat
170.13 Maintenance Bond Required	170.28 Procedures for Review of Final Plats
170.14 Alternative Systems for Sewer or Water	170.29 Variances
170.15 Minimum Design Standards	170.30 Extraterritorial Review Agreement

**170.01 SHORT TITLE.** This chapter shall be known as the Subdivision Ordinance of the City of Mapleton, Iowa.

**170.02 PURPOSE.** The purpose of this chapter is to provide minimum standards for the design, development, and improvement of all new subdivisions and resubdivisions of land, so that existing land uses will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety and general welfare of the citizens of the City.

**170.03 APPLICATION.** Every owner who divides any original parcel of land, forty (40) acres or part thereof, entered of record in the office of the County Recorder as a single lot, parcel, or tract on or before the effective date of these regulations into three (3) or more lots, parcels, or tracts for the purpose, whether immediate or future, of laying out an addition, subdivision, building lot or lots, acreage or suburban lots, transfer of ownership or building development within the City shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots therein contained or placing the plat on record.

**170.04 RECORDING OF PLAT.** No subdivision plat, resubdivision plat or street dedication within the City, as provided in Section 354.9, *Code of Iowa*, shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this chapter. Upon approval of the final plat by the City Council, it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the City Clerk within such thirty (30) days.

**170.05 FEES ESTABLISHED.** The City Council shall, from time to time, establish by resolution fees for the review of plats. No plat for any subdivision or resubdivision shall be

considered filed with the City Clerk, unless and until such plat is accompanied by the fee, as established by resolution of the City Council, and as required by this chapter.

**170.06 PENALTIES.** Any person who shall dispose of or offer for sale any lot or lots within the area of jurisdiction of this chapter, until the plat thereof has been approved by the City Council, and recorded as required by law, shall forfeit and pay one hundred dollars (\$100.00) for each lot or part of lot sold, disposed of or offered for sale. Nothing contained herein shall in any way limit the City's right to any other remedies available to the City for the enforcement of this chapter.

**170.07 BUILDING PERMIT TO BE DENIED.** No building permit shall be issued for construction on any lot, parcel, or tract, where a subdivision is required by this chapter, unless and until a final plat of such subdivision has been approved and recorded in accordance with this chapter, and until the improvements required by this chapter have been accepted by the City.

**170.08 TERMS DEFINED.** For the purposes of this chapter, certain words herein shall be defined as and interpreted as follows.

1. "Acquisition plat," "aliquot part," "auditor's plat," "conveyance," "division," "forty-acre aliquot part," "government lot," "lot," "metes and bounds description," "official plat," "parcel," "permanent real estate index number," "plat of survey," "proprietor," "subdivision plat," "surveyor," and "tract" have the meanings set forth in Section 354.2 of the *Code of Iowa*.
2. "Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.
3. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.
4. "Building lines" means a line on a plat between which line and public right-of-way no building or structures may be erected.
5. "City Engineer" means the professional engineer registered in the State of Iowa designated as City Engineer by the City Council or other hiring authority.
6. "Comprehensive Plan" means the general plan for the development of the community that may be titled master plan, comprehensive plan, or some other title, which plan has been adopted by the City Council. Such Comprehensive Plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
7. "Cul-de-sac" means a street having one end connecting to another street, and the other end terminated by a vehicular turnaround.
8. "Easement" means an authorization by a property owner for another to use a designated part of said owner's property for a specified purpose.
9. "Flood Hazard Area" means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a 100-year flood; as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency.

10. "Floodway" means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a 100-year flood without cumulatively raising the waterway surface elevation more than one foot.
11. "Improvements" means changes to land necessary to prepare it for building sites, including but not limited to, grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainage ways and other public works and appurtenances.
12. "Lot, corner" means a lot situated at the intersection of two (2) streets.
13. "Lot, double frontage" means any lot that is not a corner lot that abuts two (2) streets.
14. "Original parcel" means forty (40) acres or part thereof entered of record in the office of the County Recorder as a single lot or parcel on or before March 28, 2001.
15. "Owner" means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
16. "Performance bond" means a surety bond or cash deposit made out to the City of Mapleton, Iowa, in an amount equal to the full cost of the improvements which are required by this chapter, said cost estimated by the City and said surety bond or cash bond being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this chapter.
17. "Planning Commission" or "Commission" means the appointed commission designed by the City Council for the purpose of this chapter, and may also be the Zoning Commission, in which case such commission shall be known as the Planning and Zoning Commission.
18. "Plat" means a map drawing, or chart on which a subdivider's plan for the subdivision of land is presented that said subdivider submits for approval and intends, in final form, to record.
19. "Plats Officer" means the individual assigned the duty to administer this chapter by the City Council or other appointing authority.
20. "Resubdivision" means any subdivision of land that has previously been included in a recorded plat. In appropriate context, it may be a verb referring to the act of preparing a plat of previously subdivided land.
21. "Street" means public property, not an alley, intended for vehicular circulation. In appropriate context the term street may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.
22. "Street, arterial" means a street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.
23. "Street, collector" means a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.
24. "Street, local" means a street primarily designed to provide access to abutting property.
25. "Subdivider" means the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.

26. “Subdivision” means the accumulative effect of dividing an original lot, tract, or parcel of land into three (3) or more lots for the purpose of immediate or future sale or transfer for development purposes excluding public roadways, public utility extensions and land taken by condemnation. The term includes a resubdivision or replatting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided. Any person not in compliance with the provisions of the subdivision definition at the time of its effective date shall not be required to comply with such provisions unless or until a new division, resubdivision or replatting occurs following that effective date.

27. “Utilities” means the systems for the distribution or collection of water, gas, electricity, wastewater and storm water.

**170.09 IMPROVEMENTS REQUIRED.** The subdivider shall, at subdivider’s expense, install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the City, and as shown on the approved preliminary plat.

**170.10 INSPECTION.** All improvements shall be inspected to insure compliance with the requirements of this chapter. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City.

**170.11 MINIMUM IMPROVEMENTS.** The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

1. Streets. The subdivider of land being subdivided shall provide the grading of the entire street right-of-way, alley or public place and provide appropriate paving, including curb and gutter on all streets. All streets and alleys shall be of such width and shall be so constructed as to meet the standards of the City. Under some circumstances the City may require, as a condition for approval of the plat, dedication and improvement of a street having a width greater than necessary to meet the needs of the platted area, but necessary to complete the City street system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of improving the wider street and the street width reasonable to meet the foreseeable needs of the subdivision taken alone. The streets shall, upon final approval and acceptance by the City, become the property of the City.

2. Sanitary Sewer System. The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area with due regard being given to present or reasonably foreseeable needs. There shall be constructed, at the subdivider’s expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, sewer access holes, and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area to a connection with the City’s sanitary sewers. The sanitary sewer system shall be constructed in accordance with the plans and specifications of the City and at the sewer grades as established by the City. Under some circumstances the City may require, as a condition for approval of the plat, installation of a sanitary sewer that is larger than necessary to meet the needs of the platted area, but necessary to complete the City sanitary sewer system as it relates to both the area being platted and other areas. In such event, the City will pay



the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area. The above mentioned facilities for the collection and disposal of sanitary sewage from the platted area shall, upon final approval and acceptance by the City, become the property of the City.

3. Storm Sewer System. The subdivider of land being platted shall install and construct a storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas. The storm sewer system shall be constructed in accordance with plans and specifications of the City and at sewer grades established by the City. Under some circumstances the City may require, as a condition for approval of the plat, installation of a storm sewer system that is larger than necessary to meet the needs of the platted area, but necessary to complete the City storm sewer system as it relates to both the area being platted and other areas. In such event the City will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area. The sewers shall, upon inspection, approval, and acceptance by the City, become the property of the City. In the storm sewer design phase, consideration shall be given to alternatives and principles of storm water management or the provisions of a storm water management plan if such plan has been adopted by the City.

4. Water Main System. The subdivider of land being platted shall install and construct a water main system to adequately serve all lots or parcels of land within the platted area, with due regard to the present and reasonably foreseeable needs of the entire area, and shall connect the same to the City's existing water mains. Under some circumstances the City may require, as a condition for approval of the plat, installation of a water main that is larger than necessary to meet the needs of the platted area, but necessary to complete the City water distribution system as it relates to both the area being platted and other areas. In such event the City will pay the subdivider the difference in cost of pipe and installation between the larger water main and the diameter of water main reasonable to meet the foreseeable needs of the area. The water mains shall, upon inspection, approval, and acceptance by the City, become the property of the City.

5. Other Improvements. The owner and subdivider of the land being platted shall be responsible for the installation of sidewalks within the street area; the installation of walkways as necessary; grading, seeding or sodding of all lots; the planting of any required trees in the parking area; the installation of street signs; and the provision of street lighting. All such improvements shall be under the direction of the City Engineer or director of the electric utility, as appropriate.

#### **170.12 EASEMENTS REQUIRED.**

1. Public Utilities. Where alleys are not provided, or where otherwise required by the present or future placement of public utilities, easements of not less than ten (10) feet in width shall be granted by the owner along rear, and where necessary, alongside lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines, or across lots, when necessary for the placement and maintenance of utilities. No buildings or structures, except as necessary for utilities, shall be permitted on such easements.

2. Easements Along Streams and Watercourses. Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at said subdivider's expense, make adequate provisions for the proper drainage of surface water and shall provide and dedicate to the City an easement along said stream or watercourse as necessary for the proper maintenance of the watercourse, and as approved by the City.

**170.13 MAINTENANCE BOND REQUIRED.** The owner and subdivider of the land being platted shall be required to provide to the City proper maintenance bonds satisfactory to the City so as to insure that for a period of one (1) year from the date of acceptance of any improvement, the owner and subdivider shall be responsible to maintain such improvement in good repair.

**170.14 ALTERNATIVE SYSTEMS FOR SEWER OR WATER.** Where connection to the City sewer or water system cannot reasonably be made the City may approve alternate facilities for the distribution of water or the collection and disposal of sanitary wastes. Such alternate systems shall be designed to fully protect the public health, safety and welfare, and shall meet all requirements of State, County, or other applicable health regulations. Prior to granting approval of such alternate systems, the City shall require that the owner and subdivider provide to the City a waiver of assessment protest or such other legally binding documents necessary to protect the City from the expense of the subsequent installation of sewer or water facilities.

**170.15 MINIMUM DESIGN STANDARDS.** The standards set forth in this chapter shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.

1. Land Suitability. No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, or other conditions likely to be harmful to the public health, safety or general welfare, unless such unsuitable conditions are corrected to the satisfaction of the City. If land is found to be unsuitable for subdivision for any of the reasons cited in this section, the Council shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Council may reaffirm, modify, or withdraw its determination regarding such unsuitability.
2. Lands Subject to Flooding. No subdivision containing land located in a floodway or a flood hazard area shall be approved by the City without the approval of the Iowa Department of Natural Resources. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the floodway or flood hazard area, suitable for development as allowed by the Zoning Ordinance for the zone in which the lot is located. Land located within a flood hazard area or a floodway may be included within a plat as follows, subject to the approval of the City:
  - A. Included within individual lots in the subdivision, subject to the limitations of this section.
  - B. Reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the City, providing for its care and maintenance by such owners.

- C. If acceptable to the City, dedicated to the City as public open space for recreation or flood control purposes.
3. Plat to Conform to Comprehensive Plan. The arrangement, character, extent, width, grade, and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the Comprehensive Plan of the City, provided such plan has been adopted by the City; and shall conform to such other plans, including but not limited to a Major Street Plan, a Sanitary Sewer System Plan, or a Parks and Open Space Plan, provided such plan has been adopted by the City.
4. Construction Standards for Improvements. In addition to the standards set forth in this chapter, the City Engineer shall from time to time prepare, and the Council shall from time to time adopt by resolution, technical standards for public improvements. Such technical standards for public improvements shall contain the minimum acceptable specifications for the construction of public improvements. Such technical standards may vary for classes of improvements, giving due regard to the classification of streets or other improvements, and the extent and character of the area served by the improvements. Upon adoption by the Council by resolution, such technical standards for public improvements shall have such force and effect as if they were fully set forth herein.
5. Street Standards. The following standards shall apply to all streets to be located within the subdivision:
- A. Streets shall provide for the continuation of arterial and collector streets from adjoining platted areas, and the extension of such streets into adjoining unplatted areas. Where a plat encompasses the location for an arterial or collector street proposed in the Comprehensive Plan or the Street Plan, the plat shall provide for such street.
  - B. Street grades shall align to existing streets, and all grades for streets shall be as approved by the City.
  - C. Arterial streets shall be located so as to not require direct access from the arterial street to abutting lots.
  - D. Street right-of-way widths and pavement widths shall be as specified in the Comprehensive Plan, the Streets Plan, or technical standards for public improvements.
  - E. Half-streets are prohibited; except where an existing platted half-street abuts the subdivision, a platted half-street to complete the street shall be required.
  - F. Local streets should be designed to discourage through traffic while safely connecting to collector or arterial streets.
  - G. Street jogs with centerline offsets of less than 125 feet are prohibited, except where topography or other physical conditions make such jogs unavoidable.
  - H. Streets shall intersect as nearly at right angles as possible; and no street shall intersect any other street at less than sixty (60) degrees.
  - I. At intersections of major streets, and otherwise as necessary, lots corners abutting the intersection shall be rounded with a radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic control

devices, and other necessary improvements without encroachment onto the corner lots.

J. Dead-end streets are prohibited, except where a street is planned to continue past the subdivider's property, a temporary dead end may be allowed.

K. Streets that connect with other streets, or loop streets, are preferable for maintenance, fire protection, and circulation, but culs-de-sac may be permitted. Cul-de-sac should not exceed 500 feet in length unless a greater length is unavoidable.

L. In general, alleys shall be permitted in residential areas and required in commercial areas with normal street frontage. Dead-end alleys are prohibited, unless provided with a turn-around with a minimum right-of-way diameter of 100 feet.

M. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the Council, be made a requirement of the plat.

N. Streets that are or will become extensions of existing streets shall be given the same name as the existing streets. New street names shall not be the same or sound similar to existing street names. All street names shall be at the approval of the Council.

O. Private streets, not dedicated to the City, shall be avoided. The Council may approve a private street where unusual conditions make a private street desirable, provided adequate covenants or other legal documents ensure that the City will not have or need to assume any maintenance or other responsibility for such street.

6. Block and Lot Standards. The following standards shall apply to the layout of blocks and lots in all subdivisions, and to the extent possible, in all resubdivisions:

A. No residential block shall be longer than 1300 feet or shorter than 300 feet measured from street line to street line. The width of blocks should be arranged so as to allow two tiers of lots, with utility easement.

B. In blocks over 700 feet in length, the Council may require a public way or an easement at least ten (10) feet in width, at or near the center of the block, for use by pedestrians.

C. The size and shape of blocks or lots intended for commercial or industrial use shall be adequate to provide for the use intended, and to meet the parking, loading, and other requirements for such uses contained in the Zoning Ordinance.

D. Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.

E. The size and shape of all lots shall comply with all requirements of the Zoning Ordinance for the zone in which the lot is located.

F. All lots shall abut a public street, or upon an approved private street, with a minimum frontage of at least 35 feet measured as a straight line between the two front lot corners.

G. Unless unavoidable, lots shall not front, or have direct access to arterial streets. Where unavoidable, lots shall be so arranged as to minimize the number of access points.

H. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgment of the Council, a variation to this provision will provide a better street and lot layout.

I. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in the Zoning Ordinance, oriented to either street.

J. Reversed frontage lots are prohibited. Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots shall front only on the minor street.

K. Any lot not to be served by a sanitary sewage system shall have sufficient area to allow for a satisfactory drain field. No subdivision to be served by septic systems shall be approved by the Council until percolation tests have been performed and the results of said tests have been provided to, and reported on, by the City Engineer.

**170.16 PRE-APPLICATION CONFERENCE.** Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a pre-application conference with the Plats Officer. The conference should be attended by the Plats Officer and such other City or utility representatives as is deemed desirable, and by the owner and owner's engineer and/or planner, as deemed desirable. The purpose of such conference shall be to acquaint the City with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures and any special problems relating to the proposed subdivision.

**170.17 SKETCH PLAN REQUIRED.** For the pre-application conference, the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area.

**170.18 PRESENTATION TO COMMISSION AND CITY COUNCIL.** The subdivider may present the sketch plan to the Planning Commission and City Council for review, prior to incurring significant costs preparing the preliminary or final plat.

**170.19 SUBDIVISION CLASSIFIED.** Any proposed subdivision or resubdivision shall be classified as a minor subdivision or a major subdivision.

1. Minor Subdivision. Any subdivision that contains not more than four (4) lots fronting on an existing street, does not require construction of any public improvements, and does not adversely affect the remainder of the parcel shall be classified as a minor subdivision.

2. Major Subdivision. Any subdivision that, in the opinion of the City Council, does not for any reason meet the definition of a minor subdivision, shall be classified as a major subdivision.

**170.20 PLATS REQUIRED.** In order to secure approval of a proposed subdivision, the owner and subdivider shall submit to the City plats and other information as required by this chapter. The owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat. The owner and subdivider of a minor subdivision or an auditor's plat may elect to omit the submission of a preliminary plat.

**170.21 REQUIREMENTS OF THE PRELIMINARY PLAT.** The subdivider shall prepare and file with the City Clerk four (4) copies of the preliminary plat, drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" x 36"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin. The preliminary plat shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following:

1. Title, scale, north point and date.
2. Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the County. The Plats Officer shall verify with the County Auditor that the proposed subdivision name is not duplicating an existing subdivision name in the County.
3. The name and address of the owner and the name, address, and profession of the person preparing the plat.
4. A key map showing the general location of the proposed subdivision in relation to surrounding development.
5. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land.
6. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plat.
7. Existing and proposed zoning of the proposed subdivision and adjoining property.
8. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of not more than five (5) feet if the general slope is 10% or greater.
9. The legal description of the area being platted.
10. The boundary of the area being platted, shown as a dark line, with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.
11. The layout, numbers, and approximate dimensions of proposed lots.
12. The location, width and dimensions of all streets and alleys proposed to be dedicated for public use.
13. The proposed names for all streets in the area being platted. The Plats Officer shall verify that the proposed street names do not duplicate existing street names in the City unless such names are a continuation of an existing street.
14. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities.

15. Proposed easements, showing locations, widths, purposes, and limitations.
16. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semipublic or community purposes, or shown for such purpose in the Comprehensive Plan or other adopted plans.
17. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
18. Any other pertinent information, as necessary.
19. The fee, as required by this chapter.

#### **170.22 PROCEDURES FOR REVIEW OF PRELIMINARY PLATS.**

1. The City Clerk, upon receipt of 4 copies of the preliminary plat, shall file one copy in the records of the City, shall retain one copy for public inspection, and shall forward the remaining copies of the plat to the Plats Officer.
2. The Plats Officer shall provide for review of the plat by the City Engineer, and such other persons as necessary to review the plat, and shall schedule the plat for consideration by the Planning Commission.
3. The Commission shall examine the plat and the report of the City Engineer, and such other information as it deems necessary or desirable, to ascertain whether the plat conforms to the ordinances of the City, and conforms to the Comprehensive Plan and other duly adopted plans of the City. The Commission shall, within forty-five (45) days of the filing of the plat with the City Clerk, forward a report and recommendation regarding the plat to the Council. If such recommendation is to disapprove or modify the plat, the reasons therefor shall be set forth in writing in the report, and a copy of the report and recommendation shall be provided to the applicant.
4. The Council shall examine the plat, the report of the City Engineer, the report of the Commission, and such other information as it deems necessary or desirable. Upon such examination, the Council shall ascertain whether the plat conforms to the ordinances and standards of the City, conforms to the Comprehensive Plan and other duly adopted plans of the City, and will be conducive to the orderly growth and development of the City; in order to protect the public health, safety, and welfare. Following such examination, the Council may approve, approve subject to conditions, or disapprove the plat. If the decision of the Council is to disapprove the plat, or to approve the plat subject to conditions, the reasons therefor shall be set forth in writing in the official records of the Council, and such decisions shall be provided to the applicant. Action on the preliminary plat by the Council shall be taken within sixty (60) days of the filing of the plat with the City Clerk.

**170.23 DURATION OF APPROVAL OF PRELIMINARY PLAT.** The approval of a preliminary plat by the Council shall be valid for a period of one (1) year from the date of such approval; after which such approval shall be void, and the subdivider shall take no action requiring the precedent approval of a preliminary plat except upon application for and approval of an extension of said period of validity by the Council.

**170.24 AUTHORIZATION TO INSTALL IMPROVEMENTS.** The approval of the preliminary plat shall constitute authorization by the Council for the installation of improvements as required by this chapter, and as shown on the preliminary plat; provided no

such improvement shall be constructed or installed until and unless the plans, profiles, cross sections, and specifications for the construction of such improvement have been submitted to, and approved in writing by, the City Engineer.

**170.25 COMPLETION AND ACCEPTANCE OF IMPROVEMENTS.** Before the Council will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other City requirements, and the agreements between the subdivider and the City.

**170.26 PERFORMANCE BOND PERMITTED.** In lieu of the requirement that improvements be completed prior to the approval of a final plat, the subdivider may post a performance bond with the City, guaranteeing that improvements not completed shall be completed within a period of two (2) years from the date of approval of such final plat; but such approval of the plat shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted only after their construction has been completed.

**170.27 REQUIREMENTS OF THE FINAL PLAT.** The subdivider shall, within one year from the date of approval of the preliminary plat unless such time period has been extended, prepare and file with the City Clerk, three (3) copies of the final plat and required attachments, as set forth in this chapter. Except for a final plat for a minor subdivision or an auditor's plat as set forth herein, no final plat shall be considered by the Council until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above. The final plat shall be drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall be no greater than eighteen inches by twenty-four inches (18" x 24") or smaller than eight and one-half inches by eleven inches (8½" x 11") and shall be of a size acceptable to the County Auditor. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat, and match lines indicating where other sheets adjoin. The final plat shall be clearly marked "Final Plat" and meet the requirements of Sections 355.8, 354.6, and 354.11 of the *Code of Iowa*.

**170.28 PROCEDURES FOR REVIEW OF FINAL PLATS.**

1. The City Clerk, upon receipt of three copies of the final plat, shall file one copy in the records of the City, shall retain one copy for public inspection, and shall forward the remaining copy to the Plats Officer.
2. The Plats Officer shall provide copies of the plat to the City Engineer and such other persons as are necessary to review the plat; and shall schedule the plat for review by the Council.
3. The Plats Officer and the City Engineer shall examine the plat as to its compliance with the ordinances and standards of the City, and its conformance with the preliminary plat; and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider.
4. If the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the Council for review. If the plat is found not to conform to the preliminary plat, it shall be referred to the Planning Commission for review, prior to review by the Council. The Planning Commission shall then review the plat and shall forward a written recommendation thereon to the



Council within forty-five (45) days of the filing of the plat with the Clerk. If the recommendation is to disapprove the plat, or to require modification of the plat, the reasons therefor shall be set forth in writing, and a copy of the recommendation shall be provided to the subdivider.

5. Upon receipt of the plat and written reports thereon, the Council shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the City and the Comprehensive Plan and other duly adopted plans, all as of the date of approval of the preliminary plat, and is found to substantially conform to the preliminary plat, the Council shall approve the plat, and shall cause its approval to be entered on the plat as required by law.

6. Action on the final plat by the Council shall be taken within sixty (60) days of the date of filing of the plat with the Clerk. If the action is to disapprove the plat, the reasons therefor shall be set forth in the official records of the Council and such decision shall be provided to the subdivider.

**170.29 VARIANCES.** Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the Council may vary, modify, or waive the requirements so that substantial justice be done and the public interest secured, provided, however, that such variance modification or waiver will not have the effect of nullifying the intent and purpose of this chapter. In no case shall any variance or modification be more than minimum easing of the requirements as necessary to eliminate the hardship. In so granting a variance, the Council may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modified, or waived.

**170.30 EXTRATERRITORIAL REVIEW AGREEMENT.** The City shall exercise no extraterritorial review of developments beyond the corporate limits of the City. The City may amend this section in the future to provide for the review and approval of a subdivision as provided in Section 354.9 of the *Code of Iowa*.

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# **CODE OF ORDINANCES**

## **CITY OF MAPLETON, IOWA**

### **TABLE OF CONTENTS**

#### **GENERAL CODE PROVISIONS**

<b>CHAPTER 1 - CODE OF ORDINANCES.....</b>	<b>1</b>
<b>CHAPTER 2 - CHARTER .....</b>	<b>9</b>
<b>CHAPTER 3 - MUNICIPAL INFRACTIONS.....</b>	<b>11</b>
<b>CHAPTER 5 - OPERATING PROCEDURES.....</b>	<b>21</b>
<b>CHAPTER 6 - CITY ELECTIONS.....</b>	<b>29</b>
<b>CHAPTER 7 - FISCAL MANAGEMENT .....</b>	<b>35</b>
<b>CHAPTER 8 - INDUSTRIAL PROPERTY TAX EXEMPTIONS.....</b>	<b>45</b>
<b>CHAPTER 9 - URBAN RENEWAL.....</b>	<b>47</b>
<b>CHAPTER 10 - URBAN REVITALIZATION.....</b>	<b>49</b>

#### **ADMINISTRATION, BOARDS AND COMMISSIONS**

<b>CHAPTER 15 - MAYOR.....</b>	<b>71</b>
<b>CHAPTER 16 - MAYOR PRO TEM .....</b>	<b>73</b>
<b>CHAPTER 17 - CITY COUNCIL .....</b>	<b>75</b>
<b>CHAPTER 18 - CITY CLERK.....</b>	<b>83</b>
<b>CHAPTER 19 - CITY TREASURER.....</b>	<b>87</b>
<b>CHAPTER 20 - CITY ATTORNEY.....</b>	<b>89</b>
<b>CHAPTER 21 - LIBRARY BOARD OF TRUSTEES.....</b>	<b>91</b>

# TABLE OF CONTENTS

## ADMINISTRATION, BOARDS AND COMMISSIONS (continued)

CHAPTER 22 - PLANNING AND ZONING COMMISSION.....	97
CHAPTER 23 - PARKS AND RECREATION BOARD.....	101
CHAPTER 24 - UTILITY BOARD OF TRUSTEES .....	115
CHAPTER 25 - MUNICIPAL AIRPORT COMMISSION.....	119
CHAPTER 26 - HOUSING STEERING COMMITTEE .....	123

## POLICE, FIRE AND EMERGENCIES

CHAPTER 30 - POLICE DEPARTMENT.....	145
CHAPTER 35 - FIRE DEPARTMENT .....	151
CHAPTER 36 - HAZARDOUS SUBSTANCE SPILLS .....	155

## PUBLIC OFFENSES

CHAPTER 40 - PUBLIC PEACE.....	185
CHAPTER 41 - PUBLIC HEALTH AND SAFETY.....	191
CHAPTER 42 - PUBLIC AND PRIVATE PROPERTY.....	197
CHAPTER 43 - DRUG PARAPHERNALIA.....	203
CHAPTER 45 - ALCOHOL CONSUMPTION AND INTOXICATION.....	225
CHAPTER 46 - MINORS .....	227
CHAPTER 47 - PARK REGULATIONS .....	235

## NUISANCES AND ANIMAL CONTROL

CHAPTER 50 - NUISANCE ABATEMENT PROCEDURE.....	251
CHAPTER 51 - JUNK AND JUNK VEHICLES.....	257
CHAPTER 55 - ANIMAL PROTECTION AND CONTROL.....	275
CHAPTER 56 - DOG LICENSE REQUIRED .....	281
CHAPTER 57 - VICIOUS ANIMALS.....	285

# **TABLE OF CONTENTS**

## **TRAFFIC AND VEHICLES**

<b>CHAPTER 60 - ADMINISTRATION OF TRAFFIC CODE .....</b>	<b>301</b>
<b>CHAPTER 61 - TRAFFIC CONTROL DEVICES.....</b>	<b>305</b>
<b>CHAPTER 62 - GENERAL TRAFFIC REGULATIONS .....</b>	<b>307</b>
<b>CHAPTER 63 - SPEED REGULATIONS .....</b>	<b>317</b>
<b>CHAPTER 64 - TURNING REGULATIONS.....</b>	<b>321</b>
<b>CHAPTER 65 - STOP OR YIELD REQUIRED.....</b>	<b>323</b>
<b>CHAPTER 66 - LOAD AND WEIGHT RESTRICTIONS.....</b>	<b>331</b>
<b>CHAPTER 67 - PEDESTRIANS .....</b>	<b>335</b>
<b>CHAPTER 68 - ONE-WAY TRAFFIC .....</b>	<b>337</b>
<b>CHAPTER 69 - PARKING REGULATIONS.....</b>	<b>339</b>
<b>CHAPTER 70 - TRAFFIC CODE ENFORCEMENT PROCEDURES .....</b>	<b>361</b>
<b>CHAPTER 75 - ALL-TERRAIN VEHICLES AND SNOWMOBILES .....</b>	<b>381</b>
<b>CHAPTER 76 - BICYCLE REGULATIONS .....</b>	<b>385</b>
<b>CHAPTER 77 - GOLF CARTS.....</b>	<b>387</b>
<b>CHAPTER 80 - ABANDONED VEHICLES.....</b>	<b>395</b>

## **WATER**

<b>CHAPTER 90 - WATER SERVICE SYSTEM.....</b>	<b>421</b>
<b>CHAPTER 91 - WATER METERS .....</b>	<b>429</b>
<b>CHAPTER 92 - WATER RATES.....</b>	<b>433</b>

## **SANITARY SEWER**

<b>CHAPTER 95 - SANITARY SEWER SYSTEM.....</b>	<b>445</b>
<b>CHAPTER 96 - BUILDING SEWERS AND CONNECTIONS .....</b>	<b>449</b>
<b>CHAPTER 97 - USE OF PUBLIC SEWERS .....</b>	<b>457</b>
<b>CHAPTER 98 - ON-SITE WASTEWATER SYSTEMS .....</b>	<b>461</b>
<b>CHAPTER 99 - SEWER SERVICE CHARGES .....</b>	<b>463</b>

## **TABLE OF CONTENTS**

### **GARBAGE AND SOLID WASTE**

CHAPTER 105 - SOLID WASTE CONTROL.....	475
CHAPTER 106 - COLLECTION OF SOLID WASTE.....	485

### **FRANCHISES AND OTHER SERVICES**

CHAPTER 110 - GAS UTILITY .....	501
CHAPTER 111 - FRANCHISES REQUIRED .....	513
CHAPTER 115 - CEMETERY .....	565

### **REGULATION OF BUSINESS AND VOCATIONS**

CHAPTER 120 - LIQUOR LICENSES AND WINE AND BEER PERMITS.....	581
CHAPTER 121 - CIGARETTE AND TOBACCO PERMITS .....	585
CHAPTER 122 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS.....	590
CHAPTER 123 - HOUSE MOVERS .....	595
CHAPTER 124 - MOBILE FOOD VENDORS .....	599

### **STREETS AND SIDEWALKS**

CHAPTER 135 - STREET USE AND MAINTENANCE.....	621
CHAPTER 136 - SIDEWALK REGULATIONS .....	627
CHAPTER 137 - VACATION AND DISPOSAL OF STREETS .....	637
CHAPTER 138 - STREET GRADES .....	639
CHAPTER 139 - NAMING OF STREETS.....	641
CHAPTER 140 - CONTROLLED ACCESS FACILITIES.....	643
CHAPTER 141 - DRIVEWAYS AND STREET CURBS.....	651

### **BUILDING AND PROPERTY REGULATIONS**

CHAPTER 145 - DANGEROUS BUILDINGS.....	671
CHAPTER 146 - MANUFACTURED AND MOBILE HOMES.....	675
CHAPTER 147 - BUILDING CODE .....	681

# TABLE OF CONTENTS

## BUILDING AND PROPERTY REGULATIONS (CONTINUED)

CHAPTER 148 - REGULATED SUBSTANCES IN CONSTRUCTION.....	683
CHAPTER 150 - BUILDING NUMBERING.....	701
CHAPTER 151 - TREES.....	703
CHAPTER 160 - FLOODPLAIN MANAGEMENT.....	735
CHAPTER 161 - RENTAL PROPERTY.....	751

## ZONING AND SUBDIVISION

CHAPTER 165 - ZONING REGULATIONS .....	775
CHAPTER 166 - AIRPORT LAND USE AND HEIGHT OVERLAY ZONING ORDINANCE .....	901
CHAPTER 170 - SUBDIVISION REGULATIONS.....	925

# INDEX

## APPENDIX:

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

**SUGGESTED FORMS:**

<b>DANGEROUS BUILDINGS - FIRST NOTICE .....</b>	<b>7</b>
<b>DANGEROUS BUILDINGS - NOTICE OF HEARING .....</b>	<b>8</b>
<b>DANGEROUS BUILDINGS - RESOLUTION AND ORDER .....</b>	<b>9</b>
<b>NOTICE TO ABATE NUISANCE.....</b>	<b>10</b>
<b>NOTICE OF REQUIRED SEWER CONNECTION.....</b>	<b>11</b>
<b>NOTICE OF HEARING ON REQUIRED SEWER CONNECTION .....</b>	<b>12</b>
<b>RESOLUTION AND ORDER FOR REQUIRED SEWER CONNECTION.....</b>	<b>13</b>