

LAKE CITY CODE OF ORDINANCES 2018

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**CODIFIED BY: MIDAS Council of Governments
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TITLE I GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

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1-1-1 DEFINITIONS. The following words and phrases whenever used in the Ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. "Building" means any man-made structure permanently affixed to the ground.
3. "City" means the City of Lake City, Iowa, or the area within the territorial limits of the City, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision;
4. "Clerk" means Clerk-Administrator.
5. "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).
6. "Code of Ordinances" means the Code of Ordinances of the City of Lake City, Iowa, 2018.
7. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;
8. "Council" means the City Council of the City. All its members or all Council persons mean the total number of Council persons provided by the City charter under the general laws of the state;

9. "County" means the County of Calhoun, Iowa;
10. "Delegation of Authority" means whenever a provision appears requiring an officer of the City to do some act or make certain inspections, it is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise. (Amended in 2010)
11. "Fiscal Year" means July 1 to June 30.
12. "Law" or "Statutes" denotes applicable federal law, the Constitution and statutes of the State of Iowa, the Ordinances of the City; and when appropriate, any and all rules and regulations which may be promulgated thereunder;
13. "May" confers a power;
14. "Measure" means an ordinance, amendment, resolution, or motion.
15. "Month" means a calendar month;
16. "Must" states a requirement;
17. "Oath" shall be construed to include an affirmative or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn";
18. "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.
19. "Or" may be read "and" and "and" may be read "or" if the sense requires it;
20. "Ordinance" means a law of the City; however, an administrative action, order or directive, may be in the form of a resolution;
21. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land;
22. "Person" means natural person, any other legal entity, or the manager, lessee, agent, servant, officer, or employee of any of them;
23. "Personal property" includes money, goods, chattels, things in action and evidences of debt;
24. "Preceding" and "following" mean next before and next after, respectively;

25. "Property" includes real and personal property;
26. "Property Owner" means a person owning private property in the City as shown by the County Auditor's plats of the City.
27. "Public Place" includes in its meaning, but is not restricted to, any City-owned open place, such as parks and squares.
28. "Public Property" means any and all property owned by the City or held in the name of the City by any of the departments, commissions, or agencies within the City government.
29. "Public way" includes any street, alley, boulevard, parking, highway, sidewalk or other public thoroughfare.
30. "Real property" includes any interest in land;
31. "Shall" imposes a duty;
32. "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;
33. "State" means the State of Iowa;
34. "Statutes" or "laws" means the latest edition of the Code of Iowa, as amended.
35. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state;
36. "Tenant" and "occupant" applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others;
37. "Title of Office". Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the City;
38. "Writing" and "Written" include printed, typewritten, or electronically transmitted such as facsimile or electronic mail;
39. "Year" means a calendar year;
40. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such other as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning;

41. When an act is required by an Ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

1-1-2 GRAMMATICAL INTERPRETATION. The following grammatical rules shall apply in the Ordinances of the City:

1. Gender. Any gender includes the other gender.
2. Singular and Plural. The singular number includes the plural and the plural includes the singular;
3. Tenses. Words used in the present tense include the past and the future tenses and vice versa;
4. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the content and approved usage of the language.

1-1-3 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 powers and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City and of its residents, and preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents and each and every provisions 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)

1-1-4 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING. Whenever in this Code any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. A principal is responsible for the unauthorized acts or omissions committed by an agent or employee which have been authorized by the principal.

1-1-5 CONSTRUCTION. The provisions of this Code are to be construed with a view to affect its objects and to promote justice.

1-1-6 AMENDMENT. All Ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the Lake City Municipal Code of 2018 constituting this Municipal Code, and shall include proper references to chapter and section to maintain the orderly codification of the Ordinances.

(Code of Iowa, Sec. 380.2)

1-1-7 SEVERABILITY. If any section, provision or part of the City Code or any subsequent ordinance is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the City Code as a whole or any section provision, or part thereof not adjudged invalid or unconstitutional.

1-1-8 CATCHLINES, TITLES, HEADINGS AND NOTES. The catchlines of the several sections of this City Code printed in boldface type as well as the titles, headings, chapter heads, section and subsection heads or titles, editor's notes, cross-references and State law references, unless set out in the body of the section itself, contained in this City Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

1-1-9 AMENDMENTS TO CITY CODE, EFFECT OF NEW ORDINANCES, AMENDATORY LANGUAGE.

1. All ordinances passed subsequent to this Code which amend, repeal or in any way affect this City Code may be numbered in accordance with the numbering system of this City Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section, or subsection or any portion thereof, such repealed portions may be excluded from this City Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this City Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances.
2. Amendments to any of the provisions of this City Code may be made by amending such provisions by specific reference to the section or subsection number of this City Code in substantially the following language: "That section _____ of the Code of Ordinances, City of Lake City, Iowa is hereby amended to read as follows:..." The new provisions shall then be set out in full as desired.
3. In the event a new section not heretofore existing in this City Code is to be added, the following language may be used: "That the Code of ordinances, City of Lake City, Iowa, is hereby amended by adding a section, to be numbered _____, which said section reads as follows: ..." The new section shall then be set out in full as desired.

1-1-10 ALTERING CODE. It is unlawful for any unauthorized person to change or amend by additions or deletions, any part or portion of the Code of Ordinances, or to insert or delete pages, or portions thereof, or to alter or tamper with the Code of Ordinances in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

(Code of Iowa, Sec. 718.5)

1-1-11 INDEMNITY. The applicant for any permit or license under this Code of Ordinances, by making such application, assumes and agrees to pay for all injury to or death of any persons whomsoever, and all loss of or damage to property whatsoever, including all costs and expenses incident thereto, however arising from or relating 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.

1-1-12 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 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 judgement rendered against the City, and asking the person to appear and defend. A judgement 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 judgement together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

TITLE I GENERAL PROVISIONS

CHAPTER 2 CORPORATE LIMITS

1-2-1 Corporate Limits

1-2-1 CORPORATE LIMITS. The corporate limits of the city as of September 1, 1975 are described as follows:

All the sections Seven (7), Eight (8), Seventeen (17), and Eighteen (18) Calhoun Township, 80 N. Range 33. The NE $\frac{1}{4}$, and the E $\frac{1}{2}$ of the NW $\frac{1}{4}$, of section Thirteen (13) and the SE $\frac{1}{4}$, S $\frac{1}{2}$ of NE $\frac{1}{4}$, the E $\frac{1}{2}$ of the SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section Twelve (12) Jackson Township, 86 N, Range 34.

TITLE I GENERAL PROVISIONS

CHAPTER 3 RIGHT OF ENTRY

1-3-1 Right of Entry

1-3-1 **RIGHT OF ENTRY.** Whenever necessary to make an inspection to enforce any Ordinance, or whenever there is reasonable cause to believe that there exists an Ordinance violation in any building or upon any premises within the jurisdiction of the City, any authorized official of the City, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same and to perform any duty imposed upon such official by Ordinance; provided that, except in emergency situations, such official shall first give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hour written notice of the authorized official's intention to inspect. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

TITLE I GENERAL PROVISIONS

CHAPTER 4 PENALTY

1-4-1 General Penalty
1-4-2 Civil Penalty - Municipal
Infraction

1-4-3 Scheduled Fines

1-4-1 **GENERAL PENALTY.** The doing of any act prohibited or declared to be unlawful, an offense, or a misdemeanor by the City Code or any Ordinance or Code herein adopted by reference, or the omission or failure to perform any act or duty required by this City Code or any Ordinance or Code or any Ordinance or Code herein adopted by reference is, unless another penalty is specified, punishable in accordance with Iowa Code Section 903.1(1)(a).

(Code of Iowa, Sec. 903.1(1)(a))

1-4-2 **CIVIL PENALTY - MUNICIPAL INFRACTION.**

(Code of Iowa, Sec. 364.22)

1. Definitions.

- a. **Municipal Infraction.** Except 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 Iowa Code, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Code of Ordinances City of Lake City, or any Ordinance or Code herein adopted by reference, or omission or failure to perform any act or duty required by the Code of Ordinances City of Lake City, or any Ordinance or Code herein adopted by reference, is a "municipal infraction" and is punishable by civil penalty as provided herein.
- b. **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 violation.

(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 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.
- c. Officer. The term "officer" shall mean any employee or official authorized to enforce the Code of Ordinances of the City of Lake City.
 - d. Repeat offense. The term "repeat offense" shall mean a recurring violation of the same section of the Code of Ordinances.
2. Violations, Penalties, and Alternative Relief.
 - a. A municipal infraction is punishable by a civil penalty as provided in the following schedule, unless a specific schedule of civil penalties is provided for specific offenses elsewhere in this Code.
 - 1) Schedule of Standard Civil Penalties
 - A. First offense: Not more than seven hundred fifty dollars (\$750.00).
 - B. Repeat Offense: Not more than one thousand dollars (\$1,000.00)
 - 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 for each day a violation exists or continues.
 - B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than \$1,000 for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:
 - i. 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.
 - ii. The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.

iii. The violation does not continue in existence for more than eight (8) hours.

- b. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.
- c. 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.

3. Civil Citations

- a. Any officer authorized by the City to enforce the Code of Ordinances may issue a civil citation to a person who commits a municipal infraction.
- b. The citation may be served by personal service, substituted service, or by certified mail, return receipt requested, or by publication as provided in the Iowa Rules of Civil Procedure.
- c. The original of the citation shall be sent to the Clerk of the district court. If the infraction involves real property a copy of the citation shall be filed with the County Treasurer.
- d. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:
 - 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 property, if applicable.

1-4-3 SCHEDULED FINES. The scheduled fine for a violation of any provision of the City Code shall be in accordance with State Code Chapter 805 unless another scheduled amount is provided in the City Code or Iowa Code.

TITLE I GENERAL PROVISIONS

CHAPTER 5 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

1-5-1	Purpose and Intent	1-5-4	Subpoenas
1-5-2	General	1-5-5	Conduct of Hearing
1-5-3	Form of Notice of Hearing	1-5-6	Method and Form of Decision

1-5-1 PURPOSE AND INTENT.

1. It is the purpose of this article to establish an orderly, efficient, and expeditious process for evidentiary hearings before the City Council.
2. The provisions of this article shall apply to a proceeding required by constitution, statute or Ordinance to be determined by the City Council after an opportunity for an evidentiary hearing.

1-5-2 GENERAL.

1. Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the City Council.
2. Reporting. The proceedings at the hearing may also be reported by a court reporter at the expense of any party.
3. Continuances. The City Council may grant continuances for good cause shown.
4. Oaths, Certification. The City Council or any member thereof has the power to administer oaths and affirmations.
5. Reasonable dispatch. The City Council and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

1-5-3 FORM OF NOTICE OF HEARING.

The notice to parties shall be substantially in the following form, but may include other information:

"You are hereby notified that an evidentiary hearing will be held before the _____ City Council at _____ on the _____ day of _____, 20____, at the hour _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be,

represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the City Administrator/Clerk."

1-5-4 SUBPOENAS. Filing of affidavit. The City Council may issue a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the City Council or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in the witness's possession or under the witness's control. A subpoena need not be issued when the affidavit is defective in any particular.

1-5-5 CONDUCT OF HEARING.

1. Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
2. Oral evidence. Oral evidence shall be taken only on oath or affirmation.
3. Hearsay evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.
4. Admissibility of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely upon in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.
5. Exclusion of evidence. Irrelevant and unduly repetitious evidence shall be excluded.
6. Rights of parties. Each party shall have these rights, among others:
 - a. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - b. To introduce documentary and physical evidence;
 - c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

- d. To impeach any witness regardless of which party first called the witness to testify;
 - e. To rebut the evidence against the party; and
 - f. To self-representation or to be represented by anyone of the party's choice who is lawfully permitted to do so.
7. Official notice.
- a. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the City or its departments and Ordinances of the City.
 - b. Parties to be notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.
 - c. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the City Council.
8. Inspection of the premises. The City Council may inspect any building or premises involved in the appeal during the course of the hearing, provided that:
- a. Notice of such inspection shall be given to the parties before the inspection is made;
 - b. The parties are given an opportunity to be present during the inspection; and
 - c. The City Council shall state for the record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the City Council.

1-5-6 METHOD AND FORM OF DECISION.

- 1. Hearings before the City Council where a contested case is heard before the City Council, no member thereof who did not hear the evidence or alternatively has not read or listened to the entire record of the proceedings shall vote on or take part in the decision. The City Council may designate a member or members to preside over the receipt of evidence. Such member or members shall prepare findings of fact for the City Council.

2. Form of decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the parties personally or sent to them by certified mail, postage prepaid, return receipt requested.
3. Effective date of decision. The effective date of the decision shall be stated therein.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 1 CITY CHARTER

2-1-1	Charter	2-1-4	Number and Term of City Council
2-1-2	Form of Government	2-1-5	Term of Mayor
2-1-3	Powers and Duties	2-1-6	Copies on File

2-1-1 **CHARTER.** This chapter may be cited as the Charter of the City of Lake City, Iowa.

2-1-2 **FORM OF GOVERNMENT.** The form of government of the City of Lake City, Iowa, is the Mayor-Council form of government.

(Code of Iowa, Sec. 372.4)

2-1-3 **POWERS AND DUTIES.** The City 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 of Lake City, Iowa.

2-1-4 **NUMBER AND TERM OF CITY COUNCIL.** The City Council consists of five City Council members elected at large, elected for terms of four years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-5 **TERM OF MAYOR.** The Mayor is elected for a term of four years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-6 **COPIES ON FILE.** The City Administrator/Clerk shall keep an official copy of the charter on file with the official records of the City Administrator/Clerk, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the City Administrator's/Clerk's office for public inspection.

(Code of Iowa, Sec. 372.1)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

2-2-1	Oaths	2-2-9	Record
2-2-2	Creation of Appointive Officers	2-2-10	Bonds Approved
2-2-3	Appointment of Officers	2-2-11	Boards and Commissions
2-2-4	Terms of Appointive Officers	2-2-12	Conflict of Interest
2-2-5	Bonds Required	2-2-13	Resignations
2-2-6	Surety	2-2-14	Removal of Appointed Officers
2-2-7	Blanket Position Bond	2-2-15	Unlawful Use of City Property
2-2-8	Bonds Filed		

2-2-1 OATHS. The oath of office shall be required and administered in accordance with the following:

1. Qualify for Office. All elected officers and the following appointed officers shall qualify for office by taking the prescribed oath.
(Code of Iowa, Sec. 63.1)
 - a. City Administrator
 - b. City Clerk
 - c. Chief of Police
 - d. Police Officers
 - e. City Attorney
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 Lake City 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 office.
(Code of Iowa, Sec. 63A.2)
 - a. Mayor

b. City Clerk

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

2-2-2 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: Mayor Pro Tem, City Administrator/Clerk, Treasurer, Library Board of Trustees, Police Chief, City Attorney, Director of Public Works, Planning and Zoning Commission, and Fire Chief (Director).

2-2-3 APPOINTMENT OF OFFICERS. The Mayor shall appoint a Mayor Pro Tempore, Library Board of Trustees, Treasurer and shall appoint and dismiss the Police Chief subject to the consent of a majority of the City Council.

1. The City Council shall appoint the first Fire Chief of the volunteer fire department for a term of one (1) year. Future Fire Chiefs shall be elected for terms of one (1) year by the members of the volunteer Fire Department, with the approval of the City Council.

All other officers shall be appointed or selected by the City Council unless otherwise provided by law or Ordinance.

(Code of Iowa, Sec. 372.4(2))

2-2-4 TERMS OF APPOINTIVE OFFICERS. The terms of all appointive officers that are not otherwise fixed by law or Ordinance shall be until they cease to be an employee of the City.

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

2-2-5 BONDS REQUIRED. The council shall provide by resolution for a surety bond running to the city and covering the mayor, City Administrator/Clerk, treasurer, and such other officers and employees as may be necessary and advisable.

(Code of Iowa, Sec. 64.13)

2-2-6 SURETY. Any association or corporation which makes a business of insuring the fidelity of others and which has authority to do such business within Iowa shall be accepted as surety on any of the bonds.

(Code of Iowa, Sec. 64.17)

2-2-7 BLANKET POSITION BOND. The City Council shall provide for a blanket position bond to cover all officers and employees of the City, but the City Council may provide by resolution for a surety bond for any other officer or employee that the City Council deems necessary. The City shall pay the premium on any official bond.

(Code of Iowa, Sec. 64.13)

2-2-8 BONDS FILED. All bonds when duly executed shall be filed with the City Administrator/Clerk, except that the City Administrator's/Clerk's bond shall be filed with the Mayor.

(Code of Iowa, Sec. 64.23)

2-2-9 RECORD. The City Administrator/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 administrative.

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

2-2-10 BONDS APPROVED. Bonds shall be approved by the council.

(Code of Iowa, Sec. 64.13)

2-2-11 BOARDS AND COMMISSIONS.

1. Membership and Sections. Membership and selections of members of boards and commissions shall be as specified in this Chapter or the Code of Iowa. Any committee, board, or commission so established shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the City Council or as specified in the Code of Iowa.
2. Residency Requirement: No person shall be appointed or reappointed to a committee, board, or commission or ad hoc committee created by such committee, board, or commission unless such person is, at the time of such appointment or reappointment, a resident of the City, and any person so appointed or reappointed shall maintain such residency during the term of the appointment or reappointment. Any member of a committee, board, or commission or ad hoc committee created by such committee, board, or commission who fails to maintain such residency shall be deemed removed as of the date of such change of residency, any provision in this Code to the contrary notwithstanding.
3. Removal of Members of Boards and Commissions: The City Council may remove any member of any board or commission, which it has established.
4. Gender Balance: Boards and commissions shall be gender balanced.

(Code of Iowa, Sec. 69.16A)

2-2-12 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.
2. Investment of Funds. The designation of a bank or trust company as a depository, paying agent, or for investment of goods.

3. City Treasurer. An appointee who serves as treasurer of a city.
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 eight (8) of this section, or both, if the contracts are made by competitive bid, publicly invited and opened, and 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 requirement of this subsection shall not be required for any contract for professional services not customarily awarded by competitive bid.
5. Newspaper. The designation of an official newspaper.
6. Existing Contracts. A contract in which a city officer or employee has an interest if the contract was made before the time he or she was elected or appointed, but the contract may not be renewed.
7. Volunteers. Contracts with volunteer firefighters or civil defense volunteers.
8. Corporations. A contract with a corporation in which a city officer or employee has an interest by reason of stockholdings when less than five (5) percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.
9. Competitive Bids. A contract made by competitive bid, publicly invited and open, in which a member of the city board of trustees, commission, or administrative agency has an interest if the member is not authorized by law to participate in the awarding of the contract. The competitive bid requirement of this subsection does not apply to any contract for the professional services not customarily awarded by competitive bid.
10. Contracts. Contracts made by a city upon competitive bid in writing, publicly invited and opened.
11. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services which benefit a city officer or employee, if the purchases benefitting that officer or employee do not exceed a cumulative total purchase price of two thousand five hundred dollars (\$2,500.00) in a fiscal year.

2-2-13 RESIGNATIONS. An elected officer who wishes to resign may do so by submitting a resignation in writing to the City Administrator/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))

2-2-14 REMOVAL OF APPOINTED OFFICERS. Except as otherwise provided by state or city law, all persons appointed to city office 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 City Administrator/Clerk, and a copy shall be sent by certified mail to the person removed, who, upon request filed with the City Administrator/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)

2-2-15 UNLAWFUL USE OF CITY PROPERTY. No person shall use or permit any other person to use the property owned by the city for any private purpose and for personal gain, to the detriment of the city.

(Code of Iowa, Sec. 721.2(5))

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-3-1	General Duties	2-3-8	Powers and Duties of the Police Chief
2-3-2	Books and Records	2-3-9	Powers and Duties of the City Attorney
2-3-3	Transfer of Records and Property to Successor	2-3-10	Powers and Duties of the Superintendent of Public Utilities
2-3-4	Powers and Duties of the Mayor	2-3-11	Powers and Duties of the Fire Chief
2-3-5	Powers and Duties of the Mayor Pro Tempore	2-3-12	Powers and Duties of the Treasurer
2-3-6	Powers and Duties of the City Administrator/Clerk		
2-3-7	Powers and Duties of the Clerk/Administrator		

2-3-1 **GENERAL DUTIES.** Each municipal officer shall exercise the powers and perform the duties prescribed by law and Ordinance, or as otherwise directed by the City Council unless contrary to State law or City charter.

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

2-3-2 **BOOKS AND RECORDS.** All books and records required to be kept by law or Ordinance shall be open to inspection by the public upon request, except records required to be confidential by state or federal law.

(Code of Iowa, Sec. 22.1, 22.2, and 22.7)

2-3-3 **TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR.** Each officer shall transfer to the official's successor in office all books, papers, records, documents and property, together with an invoice of the same, in the official's custody and appertaining to the official's office.

2-3-4 **POWERS AND DUTIES OF THE MAYOR.** The duties of the Mayor shall be as follows:

1. The Mayor shall act as presiding officer at all regular and special City Council meetings. The Mayor pro tem shall serve in this capacity in the Mayor's absence.

(Code of Iowa, Sec. 372.14(1) and (3))

2. 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 City Council at the time of the veto. Within thirty days after the Mayor's veto, the City Council may pass the measure again by a vote to not less than two-thirds of all of the members of the City Council. If the Mayor vetoes an

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

(Code of Iowa. Sec. 380.6) (Amended during 2008)

3. The Mayor shall 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 or Ordinance.
4. The Mayor shall, whenever authorized by the City Council, sign all contracts on behalf of the City.
5. The Mayor shall call special meetings of the City Council when the Mayor deems such meetings necessary to the interests of the City.
6. The Mayor shall make such oral or written reports to the City Council at the first meeting of every month as referred. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for City Council action.
7. Immediately after taking office the Mayor shall designate one member of the City Council as Mayor pro tempore. The Mayor pro tempore shall be vice-president of the City Council. Except for the limitations otherwise provided herein, the Mayor pro tempore shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform the duties of the office. In the exercise of the duties of the office the Mayor pro tempore shall not have power to appoint, employ or discharge from employment officers or employees without the approval of the City Council. The Mayor pro tempore shall have the right to vote as a member of the City Council.

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

8. The Mayor shall, upon order of the City Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the City Council the Mayor shall conduct said duties in accordance with the City Ordinance and the laws of the State of Iowa.
9. The Mayor shall sign all licenses and permits which have been granted by the City Council, except those designated by law or Ordinance to be issued by another municipal officer.

10. Upon authorization of the City Council, the Mayor shall revoke permits or licenses granted by the City Council when their terms, the Ordinances of the City, or the laws of the State of Iowa are violated by holders of said permits or licenses.
11. The Mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing. The order to remove said nuisances shall be carried out by the Police Chief.
12. 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.
13. He shall make appropriate provision that duties of any absentee officer be carried on during such absence.
14. The Mayor is not a member of the Council and shall not vote as a member of the Council.

2-3-5 POWERS AND DUTIES OF THE MAYOR PRO TEMPORE. The powers and duties of the mayor pro tempore shall be as follows.

1. The mayor tempore shall be the vice president of the council.
(Code of Iowa, Sec. 372.14(3))
2. Except for the limitations otherwise provided herein, the mayor pro tempore shall perform the duties of the mayor in cases of absence or inability of the mayor to perform his duties. In the exercise of the duties of his office the mayor pro tempore shall not have the power to 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))
3. The mayor pro tempore shall have the right to vote as a member of the council.
(Code of Iowa, Sec. 372.14(3))

2-3-6 POWERS AND DUTIES OF THE CITY ADMINISTRATOR/CLERK. The powers and duties of the administrator shall be as follows.

1. The administrator shall see that the laws and ordinances of the municipal corporation are faithfully enforced and executed.
2. The administrator shall attend all meetings of the council unless excused by the mayor.
3. The administrator shall recommend to the council such measures as he may deem

necessary or expedient for the good of the government and welfare of the city.

4. The administrator shall have the general supervision and direction of the administration of the city government.
5. The administrator shall supervise and direct the official conduct of all officers of the city.
6. The administrator shall supervise the performance of all contracts for work to be done for the city, make all purchases of material and supplies and see that such material and supplies are received, and are of the quality and character called for by the contract.
7. The administrator shall have the power to employ, reclassify, or discharge all employees of the city, as the occasion requires subject to the approval of the council, and to recommend the compensation to be paid such employees.
8. The administrator shall supervise and manage all public improvements, works, and undertakings of the city, and all public buildings, and shall have charge of their construction, improvement, repair and maintenance, except those which may be delegated to the Park Commission. Nothing herein shall be construed so as to prevent cooperation between the administrator and any commission, board, trustees, or other body.
9. The administrator shall have charge of the making and preservation of all surveys, maps, plans, drawings, specifications, and estimates for public works or public improvements except those which may be delegated to the Park Commission; the cleaning, sprinkling, and lighting streets, alleys, and public places; the collection and disposal of waste, and the preservation of tools, equipment, vehicles, and appliances belonging to the corporation.
10. The administrator shall manage all municipal parks, and cemeteries, and all municipal water, or lighting plants, and transportation enterprises, except those operated under a board of trustees or other board or commission. If a board or commission is abolished or ceases to exist, management theretofore exercised by such board or commission shall thereupon vest in the administrator.
11. The administrator shall provide for the issuance, suspension, and revocation of such licenses and permits as are authorized by law or ordinance, cause a record thereof to be kept, and collect and deposit with the city treasurer all fees for licenses and permits.
12. The administrator shall keep the council fully advised of the financial and other conditions of the city, and of its future needs.
13. The administrator shall prepare and submit to the council annually the required budgets.

14. The administrator shall, at all times, see that the business affairs of the municipal corporation of which he is administrator are transacted by modern and scientific methods and in an efficient and businesslike manner, and that records of all of the business affairs of the city under his management are fully and accurately kept.
15. The administrator shall make to the council an itemized monthly report in writing, showing the receipts and disbursements for the preceding month and such report shall be made by him no later than the first council meeting of each month. Copies of said reports shall be kept available at the clerk's office for public inspection.
16. The administrator shall work the county engineer and other private engineers on all projects affecting the city and keep the city council informed on the progress of all projects. He shall also supervise all other engineering needs of the city.
17. The administrator shall perform such other and further duties as the council by ordinance shall direct.
18. The administrator shall assume all duties of the city clerk and so long as the duties of the clerk are wholly performed by the administrator there shall be no appointment of a person other than the administrator as clerk.

2-3-7 POWERS AND DUTIES OF THE CLERK/ CITY ADMINISTRATOR. The duties of the Clerk shall be as follows:

1. The Clerk shall attend all regular and special City Council meetings and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each City fund, within fifteen (15) days of the City Council meeting. The statement shall further include a list of all claims allowed, a summary of all receipts and the gross amount of the claims.
(Code of Iowa, Sec. 372.13(4) and (6))
2. The Clerk shall record each measure taken by the City Council, stating where applicable whether the Mayor signed, vetoed, or took no action on the measure and what action the City Council made upon the Mayor's veto.
(Code of Iowa, Sec. 380.7(1))
3. The Clerk shall cause to be published either the entire text or a summary of all Ordinances and amendments enacted by the City. "Summary" shall mean a narrative description of the terms and conditions of an Ordinance setting forth the main points of the Ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the Ordinance and which shall provide the public with sufficient notice to conform to the desired conduct required by the Ordinance. The description shall include the title of the Ordinance, an accurate and intelligible abstract or synopsis of the essential elements of the Ordinance, a statement that the description is a summary, the location and the normal business hours of the office where the Ordinance may be

inspected, when the Ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes. Legal descriptions of property set forth in Ordinances shall be described in full, provided that maps or charts may be substituted for legal descriptions when they contain sufficient detail to clearly define the area with which the Ordinance is concerned. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms. The Clerk shall authenticate all such measures except motions with said Clerk's signature, certifying the time and place of publication when required.

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

4. The Clerk shall maintain copies of all effective City Ordinances and codes for public review.

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

5. The Clerk shall publish notice of public hearings, elections and other official actions as required by State and City law.

(Code of Iowa, Sec. 362.3)

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

(Code of Iowa, Sec. 380.11)

7. The Clerk shall be the chief accounting officer of the City.

8. Following City Council adoption for the budget, the Clerk shall certify the necessary tax levy for the following year to the County Auditor and the County Board of Supervisors.

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

9. The Clerk shall report to the City Council at the first meeting of each month the status of each municipal account as of the end of the previous month.

10. The Clerk shall balance all funds with the bank statement at the end of each month.

11. The Clerk shall prepare the annual financial report, publish it, and send a certified copy to the State Auditor and other State officers as required by law.

(Code of Iowa, Sec. 384.22)

12. The Clerk shall maintain all City records as required by law.
(Code of Iowa, Sec. 372.13(3) and (5))
13. The Clerk shall have custody and be responsible for the safekeeping of all writings or documents in which the municipality is a party in interest unless otherwise specifically directed by law or Ordinance.
(Code of Iowa, Sec. 372.13(4))
14. The Clerk shall file and preserve all receipts, vouchers, and other documents kept, or that may be required to be kept, necessary to prove the validity of every transaction and the identity of every person having any beneficial relation thereto.
15. The Clerk shall 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 the Clerk's duty. The Clerk shall furnish a copy to any citizen when requested upon payment of the fee set by City Council resolution. The Clerk shall, under the direction of the Mayor or other authorized officer, affix the seal of the corporation to those public documents or instruments which by Ordinance are required to be attested by the affixing of the seal.
(Code of Iowa, Sec. 380.7(4), Sec. 22.2 and 22.7)
16. The Clerk shall attend all meetings of committees, boards and commissions of the City. The Clerk shall record and preserve a correct record of the proceedings of such meetings.
(Code of Iowa, Sec. 372.13(4))
17. The Clerk shall keep and file all communications and petitions directed to the City Council or to the City generally. The Clerk shall endorse thereon the action of the City Council taken upon matters considered in such communications and petitions.
(Code of Iowa, Sec. 372.13(4))
18. The Clerk shall issue all licenses and permits approved by the City Council, and keep a record of licenses and permits issued which shall show a 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))
19. The Clerk shall inform all persons appointed by the Mayor or City Council to offices in the municipal government of their position and the time at which they shall assume the duties of their office.
(Code of Iowa, Sec. 372.13(4))

20. The Clerk shall preserve a complete record of every City election, regular or special and perform duties required by law or Ordinance of the City Clerk in regard to elections.
(Code of Iowa, Sec. 376.4)
21. The Clerk shall draw all warrants/checks for the City upon the vote of the City Council.
(Code of Iowa, Sec. 372.13(4))
22. The Clerk shall show on every warrant/check the fund on which it is drawn and the claim to be paid.
(Code of Iowa, Sec. 372.13(4))
23. The Clerk shall keep a warrant/check record in a form approved by the City Council, showing the number, date, amount, payee's name, upon what fund drawn, and for what claim each warrant/check is issued.
(Code of Iowa, Sec. 372.13(4))
24. The Clerk shall bill and collect all charges, rents or fees due the City for utility and other services, and give a receipt therefor.
(Code of Iowa, Sec. 372.13(4))
25. The city seal shall be in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders, and certificates which it may be necessary and proper to authenticate. The City seal is circular in form, in the center of which is the word "SEAL" and around in the margin of which are the words "CITY OF LAKE CITY, IOWA."

2-3-8 POWERS AND DUTIES OF THE POLICE CHIEF. The duties of the Police Chief shall be as follows:

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

1. The Police Chief shall wear upon the Police Chief's outer garment and in plain view a badge engraved with "Police", and such uniform as may be specified by the City Council.
2. The Police Chief shall assist prosecutors in prosecuting any persons for the violation of an Ordinance by gathering all the facts and circumstances surrounding the case.
3. The Police Chief shall be sergeant-at-arms of the Council chamber when requested by the City Council.
4. The Police Chief shall report to the City Council upon activities as Police Chief on a quarterly basis.

5. The Police Chief shall protect the rights of persons and property, preserve order at all public gatherings, prevent and abate nuisances, and protect persons against every manner of unlawful disorder and offense.
6. The Police Chief shall execute all lawful orders of any board or commission established by the City Council.
7. The Police Chief shall select, subject to the approval of the Mayor and Council, the other members of the department
8. The Police Chief shall be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles and equipment for the department.
9. The Police Chief may appoint one or more assistant Police Chiefs, with approval of the City Council, who may perform the Police Chief's duties and who shall be members of the police force.
10. The Police Chief shall make such rules, not in conflict with the provisions of this Ordinance, as needed for the detailed operation of the police department, subject to the approval of the City Council. Such rules shall cover off-duty and on-duty conduct and activity of members, the wearing and care of the uniform, the use and practice with side arms and other police weapons, the use of police radio and other communications, attendance at training meetings and such other matters as the Police Chief determines to be necessary for the operation of the police department. The Police Chief shall see that the discipline and conduct of the department conforms to rules of the department. In the event of an emergency the Police Chief may make temporary rules for the protection of the health, safety, and welfare of the City and its citizens until due consideration by the City Council may be had.
11. The Police Chief shall, when requested, aid other municipal officers in the execution of their official duties.
12. The Police Chief shall report all motor vehicle accidents the police department investigates in the regular course of duty to the Iowa Department of Public Safety as provided by law.
13. The Police Chief shall keep a record of all arrests made in the City by police officers. The Police Chief shall record whether said arrest was made under provisions of the laws of the State of Iowa or Ordinances of the City. The record shall show the offense for which arrest was made, who made the arrest, and the disposition made of the charge. At least every year the Police Chief shall review and determine the current status of all Iowa arrests reported, which are at least one year old with no disposition data. Any Iowa arrest recorded within a computer

data storage system which has no disposition data after four years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

2-3-9 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

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

1. Upon request, the City Attorney shall attend regular meetings of the City Council and attend those special meetings of the City Council at which the City Attorney is required to be present.
2. The City Attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the City.
3. The City Attorney shall keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defined by the City Attorney accompanied by all proceedings relating to said actions.
4. The City Attorney shall, upon request, give an opinion in writing upon all questions of law relating to municipal matters submitted by the City Council, the Mayor, members of the City Council individually, municipal boards or the head of any municipal department.
5. The City Attorney shall prepare those Ordinances when the City Council may desire and direct to be prepared and report to the City Council upon all Ordinances before their final passage by the City Council and publication.
6. 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 City Council.
7. The City Attorney shall, however, if directed by the City Council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.
8. 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.
9. The City Attorney shall make a written report to the City Council and interested department heads of the defects in all contracts, documents, authorized power of any City officer, and Ordinances submitted to said City Attorney or coming under said City Attorney's notice.

10. The City Attorney shall, upon request, after due examination, offer a written opinion on and recommend alterations pertaining to contracts involving the City before they become binding upon the City or are published.

2-3-10 POWERS AND DUTIES OF THE SUPERVISOR OF PUBLIC UTILITIES. The duties of the Supervisor of public utilities shall be as follows:

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

1. The Supervisor shall be responsible for the management, operation and maintenance of all municipal utilities.
2. The Supervisor shall make a report every month in writing to the Mayor and City Council. Supervisor shall make other reports listed in job description. The Supervisor shall, at the close of every year, compile (or cause to be compiled) a written annual report of the activities and general condition of the public utilities of the City. This report shall contain a statement of the general progress and accomplishments of the plants and systems.
3. The Supervisor shall supervise the installation of all storm sewers in the City in accordance with the regulations of the department of public works pertaining to the installation of storm sewers.
4. The Supervisor shall supervise maintenance and repair of sidewalks, alleys, bridges, and streets and keep them in a reasonably safe condition for travelers. The Supervisor shall immediately investigate all complaints of the existence of dangerous or impassable conditions of any sidewalk, street, alley, bridge, underpass or overpass, or other city property, and is charged with the duty of correcting unsafe defects.
5. The Supervisor shall, whenever snow or ice imperil travel upon streets and alleys, be in charge of removing said snow and ice from the streets and alleys in the City and shall do whatever else is necessary and reasonable to make travel upon streets and alleys of the City safe.
6. The Supervisor shall compile and maintain written records of the purchases, accomplishments, disposition of equipment and manpower, an up-to-date inventory, and activities contemplated by the street department. The Supervisor shall make monthly oral and written reports of the activities of the department to the Mayor on or before the first day of each month.
7. The Supervisor shall perform all other duties of a public works nature which are not specifically assigned to other municipal officials or employees.

2-3-11 POWERS AND DUTIES OF THE FIRE CHIEF. The duties of the Fire Chief shall be as follows:

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

1. The Fire Chief shall 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.
2. The Fire Chief shall enforce all rules and regulations established by the City Council for the conduct of the affairs of the fire department.
3. The Fire Chief shall 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.
4. The Fire Chief shall cause to be kept records of the fire department personnel, operating cost and efficiency of each element of 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.
5. The Fire Chief shall make quarterly written reports to the Mayor and City Council concerning the general status and efficiency of the fire department, the number of alarms answered during the month previous, and additional information that may be requested by the Mayor or the City Council. The Fire Chief shall compile an annual report based upon the records maintained by the fire department and summarizing the activities of the fire department for the year. This report shall be filed with the Mayor to be presented at a council meeting. The annual report shall also contain recommendations for the improvement of the department.
6. The Fire Chief shall enforce all Ordinances and, where enabled, state laws regulating the following:
 - a. Fire prevention.
 - b. Maintenance and use of fire escapes.
 - c. The investigation of the cause, origin and circumstances of fires.
 - d. The means and adequacy of exits in case of fire from halls, theatres, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose.
 - e. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.
7. The Fire Chief shall have the right of entry into any building or premises within the Fire Chief's jurisdiction at a reasonable time and after reasonable notice to the occupant or owner. The Fire Chief shall there conduct such investigation or

inspection that the Fire Chief considers necessary in light of state law, regulations or Ordinance.

8. The Fire Chief shall make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.
9. The Fire Chief shall, at the request of the State Fire Marshal, and as provided by law, aid said Marshal in the performance of the Marshal's duties by investigating, preventing and reporting data pertaining to fires.
10. The Fire Chief shall meet the requirements of the job as listed in the Job Description.

2-3-12 POWERS AND DUTIES OF THE TREASURER. The powers and duties of the treasurer shall be as follows.

1. **Reconciliation.** The treasurer shall reconcile depository statements with his books and certify monthly to the council the balance of cash and investments of each fund and amounts received and disbursed.
2. **Reconciliation with City Administrator/Clerk.** The treasurer shall reconcile his books with the City Administrator's/Clerk's every month.
3. **Other Duties.** The treasurer shall perform such other duties as specified by the council by resolution or ordinance.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 POLICE DEPARTMENT

2-4-1	Department Established	2-4-7	Police Chief; Duties
2-4-2	Organization	2-4-8	Departmental Rules
2-4-3	Peace Officer Qualifications	2-4-9	Summoning Aid
2-4-4	Required Training	2-4-10	Taking Weapons
2-4-5	Compensation	2-4-11	Oath
2-4-6	Peace Officers Appointed		

2-4-1 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.

2-4-2 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 City Council.

2-4-3 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)

1. Resident Citizen. Is a citizen of the United States and a resident of Iowa or intends to become a resident upon being employed.
2. Age. Has reached his or her eighteenth birthday at the time of his or her appointment.
3. Driver's License. Has a valid driver's or chauffeur's license issued by the state of Iowa.
4. Alcohol and Drugs. Is not addicted to drugs or alcohol.
5. Character. Is of good moral character as determined by a thorough investigation including a fingerprint search conducted of local, state, and national fingerprint files and has not been convicted of a felony or a crime involving moral turpitude.
6. Physical Agility. Has successfully passed the physical agility test developed by the Iowa law enforcement academy.

7. Conscientious Objector. Is not by reason of conscious or belief opposed to the use of force, when necessary to fulfill his or her duties.
8. Education. Is a high school graduate with a diploma, or possesses an equivalency certificate which meets the minimum score required by the state of Iowa as determined by the state department of public instruction.
9. Vision. Has an uncorrected vision of not less than 20/100 in both eyes, corrected to 20/20 and normal color vision. Normal color vision, as determined by the American Optical Company, Pseudo-Isochromatic Plates test, requires correct identification of fourteen out of the eighteen plates.
10. Hearing. Has normal hearing in each ear. Hearing is considered normal when, tested by an audiometer, hearing sensitivity thresholds are within 25 decibels measured at 1000 hertz, 2000 hertz, and 3000 hertz averaged together.
11. Physical Exam. Is examined by licensed physician or surgeon and meets the physical requirements necessary to fulfil the responsibilities of a law enforcement officer.
12. Written Exam. Has performed satisfactorily in pre-employment cognitive or personality tests or both.

2-4-4 **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))

2-4-5 **COMPENSATION.** Members of the department are designated by rank and receive such compensation as shall be determined by resolution of the City Council.

2-4-6 **PEACE OFFICERS APPOINTED.** The Mayor with the consent of a majority of the City Council shall appoint the Police Chief. The Police Chief shall appoint, subject to the approval of the Mayor and City Council, the other members of the department.

(Code of Iowa, Sec. 372.4(2))

2-4-7 **POLICE CHIEF; DUTIES.** The Police Chief has the following powers and duties subject to the approval of the City 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 City Council an annual report as well as such other reports as may be requested by the Mayor or City 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.

2-4-8 DEPARTMENTAL RULES. The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the City Council, as may be necessary for the operation of the department.

1. Rules of Conduct. The conduct and activity of members of the department during regular and off-duty hours.
2. Uniform. The wear and care of uniforms.
3. Weapons. The care, use and practice of side arms and other police weapons.
4. Communication. The procedures, use and care of the police radio and other communication systems.
5. Training. The nature, time, and attendance requirement for inservice training of members of the department.

6. Emergencies. Temporary rules for the protection and functioning of the department as may be necessary in the event of an emergency until such rules may be considered by the council.
7. Other. Such other rules as may be deemed necessary and advisable in assuring efficient and proper performance of the duties of the department.
8. Penalties. The penalties which may be imposed for violation of established departmental rules by members.
9. Notice. The police chief shall give written notice to any member charged with a violation of departmental rules specifying the rule violated, that nature of the violation, and the penalty to be imposed.
10. Appeal. A member of the department charged with a violation of rules may request a hearing before the council by filing notice of appeal with the City Administrator/Clerk within ten (10) days of receipt of notice of violation. The council, at its next meeting shall review the facts and affirm, modify, or revoke the action of the police chief.

2-4-9 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)

2-4-10 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within such person's control to be disposed of according to law.
(Code of Iowa, Sec. 804.18)

2-4-11 OATH. Every police officer, before entering upon the duties of his office, shall qualify for office by taking the oath prescribed by Section 2-2-1(2) of the Code of Ordinances.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 CITY COUNCIL

2-5-1	Powers and Duties	2-5-4	Vacancies in Offices
2-5-2	Exercise of Power	2-5-5	Open Meetings
2-5-3	Meetings		

2-5-1 POWER AND DUTIES. The powers and duties of the City Council include, but are not limited to the following:

1. General. All powers of the City are vested in the City Council except as otherwise provided by law or ordinance.
(Code of Iowa, Sec. 364.2(1))
2. Wards. By ordinance, the City 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 City Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvement or repairs which may be specially assessed.
(Code of Iowa, Sec. 364.2(1), 384.16 & 384.38(1))
4. Public Improvements. The City Council shall make all orders for the doing of work, or the making or construction of any improvements, bridges or buildings.
(Code of Iowa, Sec. 364.2(1))
5. Contracts. The City Council shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the City unless either made by ordinance or resolution adopted by the City Council, or reduced to writing and approved by the City Council, or expressly authorized by ordinance or resolution adopted by the City Council.
(Code of Iowa, Sec. 364.2(1) & 384.95 through 384.102)
6. Employees. The City Council shall authorize, by resolution, the number, duties, term of office and compensation of employees or officers not otherwise provided for by the State law or the Code of Ordinances.
(Code of Iowa, Sec. 372.13(4))

7. Setting Compensation for Elected Officers. By ordinance, the City Council shall prescribe the compensation of the Mayor, City 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 City 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 City Council members becomes effective for all City Council members at the beginning of the term of the City Council members elected at the election next following the change in compensation.

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

2-5-2 EXERCISE OF POWER. The City 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. Approved Action by the City Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the City Council members. A motion to spend public funds in excess of twenty five thousand dollars (\$25,000) on any one project, or a motion to accept public improvements and facilities upon their completion also requires an affirmative vote of not less than a majority of the City Council members. Each Council member's vote on an ordinance, amendment or resolution must be recorded.

(Code of Iowa, Sec. 380.4) (Amended in 2008)

2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the City Council may repass the ordinance or resolution by a vote of not less than two-thirds of the City Council members, and the ordinance or resolution becomes effective upon repassage and publication.

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

3. Measures Become Effective. Measures passed by the City Council, other than motions, become effective in one of the following ways:

- a. If the Mayor signs the measure, a resolution becomes effective immediately upon signing and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

(Code of Iowa, Sec. 380.6(1))

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

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

- c. If the Mayor vetoes a measure and the City 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 published unless a subsequent effective date is provided with the measure.

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

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

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

4. “All 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. 380.4)

2-5-3 MEETINGS. Particulars relating to City Council meetings are the following:

1. Regular Meetings. The regular meetings of the City Council are on the first and third Mondays of each month at 6:00 PM in the City Council Chambers at City Hall. If such day falls on a legal holiday or Christmas Eve, the meeting is held on such different day or time as determined by the City Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the City Council submitted to the City Administrator/Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the City Council. A record of the service of notice shall be maintained by the City Administrator/Clerk.

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

3. Quorum. A majority of all City Council members is a quorum.

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

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

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

5. Compelling Attendance. Any three (3) members of the City 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.

6. Records. The Council shall maintain records of its proceedings.

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

7. Notice of Meetings. The council shall give reasonable notice of the time, date, and place of each meeting, and its tentative agenda.
(Code of Iowa, Sec. 21.4)
8. 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)
9. 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 the vote of each member present shall be made public.
(Code of Iowa, Sec. 21.3)
10. Closed Session. A closed session may be held only by affirmative vote of either two-thirds of the Council of all the members present at the meeting and in accordance with Chapter 21 of State code.
(Code of Iowa, Sec. 21.5)
11. Cameras and Recorders. The public may use cameras or recording devices at any open session.
(Code of Iowa, Sec. 21.7)
12. Electronic Meetings. A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Chapter 21 of the Iowa Code.
(Code of Iowa, Sec. 21.8)

2-5-4 VACANCIES IN OFFICES. A vacancy in an elective city office during a term of office shall be filled, at the council's option, by one of the two following procedures:

1. Appointment. By appointment following public notice by the remaining members of the council within forty (40) days after the vacancy occurs, except that if the remaining members do not constitute a quorum of the full membership, or if a petition is filled requesting an election, the council shall call a special election as provided by law.
2. Election. By a special election held to fill the office for the remaining balance of the unexpired term as provided by law.

2-5-5 OPEN MEETINGS. All meetings of the council, any board or commission, or any multimember body formally and directly created by any of the foregoing bodies shall be held in open session unless closed session are expressly permitted by the law. Notice of any such meeting shall be provided pursuant to law.

(Code of Iowa, Sec. 21.3 and 21.4)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 PARK BOARD

2-6-1 Park Board Created

2-6-2 Board Organization

2-6-3 Purpose of the Board

2-6-4 Meeting Schedule

2-6-1 **PARK BOARD CREATED.** A park 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.

2-6-2 **BOARD ORGANIZATION.** The board shall consist of six members: Five from various civic organizations, one member from the City Council. The initial six members shall be appointed by the Mayor at the first Council meeting in January, with the approval of the Council for over-lapping 4-year terms. All necessary appointments thereafter, shall be made by the Mayor, with the approval of the Council when the need arises. The Mayor shall designate the first chairman and vice-chairman and the board shall choose its chairman and vice-chairman every two years thereafter vacancies shall be filled in the same manner as the original appointments.

2-6-3 **PURPOSE OF THE BOARD.** Purpose of the board is to plan for the ongoing park issues and make recommendations to the City Council for final approval. All allocated monies will be spent only at the discretion of the City Council.

2-6-4 **MEETING SCHEDULE.** The board shall meet on an annual basis with other meetings as deemed necessary.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 CITY TREE BOARD

2-7-1	Definitions	2-7-10	Distance from Street Corners and
2-7-2	Creation and Establishment of a		Fire Hydrants
	City Tree Board	2-7-11	Utilities
2-7-3	Term of Office	2-7-12	Public Tree Care
2-7-4	Compensation	2-7-13	Tree Topping
2-7-5	Duties and Responsibilities	2-7-14	Pruning Corner Clearance
2-7-6	Operation	2-7-15	Dead or Diseased Tree Removal on
2-7-7	Street Tree Species to be Planted		Private Property
2-7-8	Spacing	2-7-16	Removal of Stumps
2-7-9	Distance from the Curb and	2-7-17	Interference with City Tree Board
	Sidewalk	2-7-18	Review by City Council
		2-7-19	Penalty

2-7-1 DEFINITIONS.

1. "Park Trees." Park trees are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names and all areas owned by the City, or to which the public has free access as a park.
2. "Street Trees." Street trees are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets or avenues within the City.

2-7-2 CREATION AND ESTABLISHMENT OF A CITY TREE BOARD. There is hereby created and established a City Tree Board for the City of Lake City, Iowa, which shall consist of five members, citizens and residents of Lake City, who shall be appointed by the Mayor with the approval of the Council.

2-7-3 TERM OF OFFICE. The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first Board shall be for only one year and the term of two members of the first Board shall be for two years, with the single member fulfilling a three-year term. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

2-7-4 COMPENSATION. Members of the Board shall serve without compensation.

2-7-5 DUTIES AND RESPONSIBILITIES. It shall be the responsibility of the Board to study, investigate and develop and/or update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks,

along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive City Tree Plan for the City of Lake City, Iowa. The Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of work.

2-7-6 OPERATION. The Board shall choose its own officers, make its own rules and regulations and keep minutes of its proceedings. A majority of the members shall be a quorum for the transaction of business.

2-7-7 STREET TREE SPECIES TO BE PLANTED. All trees planted will be subject to City Code Title VI, Chapter 13.

2-7-8 SPACING. The spacing of street trees will be pursuant to City Code Title VI, Chapter 13.

2-7-9 DISTANCE FROM THE CURB AND SIDEWALK. The distance requirements will be pursuant to City Code Title VI, Chapter 13.

2-7-10 DISTANCE FROM STREET CORNERS AND FIRE HYDRANTS. The distance requirements will be pursuant to City Code Title VI, Chapter 13.

2-7-11 UTILITIES. No street trees may be planted under or within 10 lateral feet of any overhead utility wire or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

2-7-12 PUBLIC TREE CARE. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, squares and public grounds. The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 7 through 11 of this article.

2-7-13 TREE TOPPING. It shall be unlawful as a normal practice for any person, firm or City department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter with the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the City Tree Board.

2-7-14 PRUNING CORNER CLEARANCE. Branches of trees along the street or right-of way within the City shall be pruned so as not to obstruct the view of any street intersection and so that

there shall be a clear space of eight feet above the surface of the street or sidewalk. Owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

2-7-15 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY. The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owners' property tax notice.

2-7-16 REMOVAL OF STUMPS. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

2-7-17 INTERFERENCE WITH CITY TREE BOARD. It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this article.

2-7-18 REVIEW BY CITY COUNCIL. The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decision.

2-7-19 PENALTY. Any person violating any provisions of this article shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$500.00.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 8 SALARIES OF MUNICIPAL OFFICERS

2-8-1	Council Member	2-8-3	Mayor Pro Tem
2-8-2	Mayor	2-8-4	Other Officers

2-8-1 COUNCIL MEMBER. The salaries of each City Council member shall be twenty-five (\$25.00) dollars for each meeting of the City Council attended, payable semi-annually.
(Code of Iowa, Sec. 372.13(8))

2-8-2 MAYOR. The Mayor shall receive an annual salary of twenty-four hundred dollars (\$2,400) to be paid in equal monthly installments.
(Code of Iowa, Sec. 372.13(8))

2-8-3 MAYOR PRO TEM. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of fifteen days or more, the Mayor Pro Tem may be paid for that period the compensation determined by the City 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))

2-8-4 OTHER OFFICERS. The compensation of all other officers and employees shall be set by resolution of City Council.
(Code of Iowa, Sec. 372.13(4))

TITLE II POLICY AND ADMINISTRATION

CHAPTER 9 CITY FINANCE

2-9-1	Purpose	2-9-11	Financial Report
2-9-2	Finance Officer	2-9-12	Monthly Reports
2-9-3	Cash Control	2-9-13	Activities Transfers
2-9-4	Fund Control	2-9-14	Unauthorized Expenditure
2-9-5	Budget Adoption	2-9-15	Authorizations to Expend
2-9-6	Budget Amendment	2-9-16	Accounting
2-9-7	Boards and Commissions	2-9-17	Budget Accounts
2-9-8	Submission to Council	2-9-18	Immediate Payment Authorized
2-9-9	Council Review	2-9-19	Utilities
2-9-10	Accounts and Programs	2-9-20	Investment of Funds

2-9-1 **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.

2-9-2 **FINANCE OFFICER.** The City Administrator/Clerk shall be the finance and accounting officer of the city and shall be responsible for the administration of the provisions of this chapter.

2-9-3 **CASH CONTROL.** To assure the proper accounting and safe custody of monies the following shall apply:

1. **Deposit of Funds.** All monies 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 him by check drawn by the City Administrator/Clerk and approved by the council only upon such officer making adequate reports relating thereto as required by law, ordinance, or Council directive.

(Code of Iowa, Sec. 721.2(2))

2. **Deposits.** All monies 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.
3. **Petty Cash Fund.** The finance officer shall be custodian of a petty cash fund not to exceed fifty (50) dollars for the payment of small claims for minor purchases, collect-on-delivery transportation charges, and small fees customarily paid at the time of rendering a service for which payments the finance officer shall obtain some form of receipt or bill acknowledged as paid by the vendor or his agent. At such time as the petty cash fund is approaching depletion the finance officer shall

draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the Council as a claim in the usual manner for claims and charged to the proper funds and account. It shall not be used for salary payments or other personal services or personal expenses.

4. Water Drawer Change Fund. The finance officer is authorized to establish a water drawer change fund in the amount of one hundred (100) dollars for the purpose of making change without comingling other funds to meet the requirements of said office. Said change shall be in the custody of the finance officer and he shall maintain the integrity of the fund.

2-9-4 FUND CONTROL. There shall be established and maintained separate and distinct funds in accordance with the following.

1. Revenues. All monies 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 of approval by the council.
3. Emergency Fund.
(Code of Iowa, Sec. 384.8)
4. Debt Service Fund. Except where specifically prohibited by state law, monies may be transferred from any other city fund to the debt service fund to meet payments of principle and interest. Such transfers must be authorized by the original budget or a budget amendment.
5. Capital Improvements Reserve Fund. Except where specifically prohibited by state law, monies 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.
6. Utility and Enterprise Funds. The governing body of a city utility, combined utility system, city enterprise, or combined city enterprise which has a surplus in its fund may transfer such surplus to any other city fund, except the emergency fund, by resolution. A surplus shall be defined in accordance with generally accepted accounting principles as promulgated by the American Institute of Certified Public Accountants. No transfer shall be made that is in violation of state law or rules of the city finance committee.
7. Balancing of Funds. The City Administrator/Clerk and treasurer shall reconcile their accounts at the close of each month and submit a report thereof to the Council.

2-9-5 BUDGET ADOPTION. Annually, the City shall prepare and adopt a budget, and shall certify taxes as follows:

1. A budget shall be prepared for at least the following fiscal year. When required by rules of the State City finance committee, a tentative budget shall be prepared for one or two ensuing years. The proposed budget shall show estimates of the following:
 - a. Expenditures for each program.
 - b. Income from sources other than property taxation.
 - c. Amount to be raised by property taxation, and the property tax rate expressed in dollars per one thousand dollars valuation.

The budget shall show comparisons between the estimated expenditures in each program in the following year and the actual expenditures in each program during the two preceding years. Wherever practicable, as provided in rules of the State City finance committee, a budget shall show comparisons between the levels of service provided by each program as estimated for the following year, and actual levels of service provided by each program during the two preceding years.

(Code of Iowa, Sec. 384.16)

2. Not less than twenty days before the date that the budget must be certified to the County Auditor and not less than ten days before the date set for hearing, the City Administrator/Clerk shall provide a sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have them available for distribution at the offices of the Mayor and City Administrator/Clerk and at the City library, if any, or at three places designated by Ordinance for posting notices.

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

3. The City Council shall set a time and place for a public hearing on the budget before the final certification date and shall publish notice before hearing as provided by law. Proof of publication shall be filed with the County Auditor.

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

4. At the hearing, any resident or taxpayer of the City may present to the City Council objections to any part of the budget for the following fiscal year or arguments in favor of any part of the budget.

(Code of Iowa, Sec. 384.16(4))

5. After the hearing, the City Council shall adopt a budget for at least the following fiscal year, and the City Administrator/Clerk shall certify the necessary tax levy for the following 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, unless an additional tax levy is approved at a

City election. Two copies of the complete budget as adopted shall be transmitted to the County Auditor.

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

2-9-6 BUDGET AMENDMENT. The City budget as finally adopted for the following fiscal year becomes effective July first and constitutes the City appropriation for each program and purpose specified therein until amended. The City budget for the current fiscal year may be amended for any of the following purposes:

1. To permit the appropriation and expenditures of unexpended, unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget.
2. To permit the appropriation and expenditure of amounts anticipated to be available from sources other than property taxation, and which had not been anticipated in the budget.
3. To permit transfers from the debt service fund, the capital improvements reserve fund, the emergency fund, or other funds established by State law, to any other City fund, unless specifically prohibited by State law.
4. To permit transfers between programs within the general fund as approved by council.

The budget amendment shall be prepared and adopted in the same manner as the original budget, and is subject to protest as provided in Section 2-9-3 of this chapter, except that the City Finance Committee may by rule provide that amendments of certain types or up to certain amounts may be made without public hearing and without being subject to protest.

(Code of Iowa, Sec. 384.18)

2-9-7 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 City Administrator/Clerk no later than November 1 of each year and in such form as may be required by the City Administrator/Clerk.

2-9-8 SUBMISSION TO COUNCIL. The City Administrator/Clerk shall submit the completed budget proposal to the Council no later than February 15 of each year.

2-9-9 COUNCIL REVIEW. The Council shall review the proposed budget and may make any adjustments in the budget which it deems appropriate before accepting such proposal for publication, hearing, and final adoption.

2-9-10 ACCOUNTS AND PROGRAMS. The City shall keep separate accounts corresponding to the programs and items in its adopted or amended budget, as recommended by the State City Finance Committee.

The City shall keep accounts which show an accurate and detailed statement of all public funds collected, received, or expended for any City purpose, by any City officer, employee, or other person, and which show the receipt, use, and disposition of all City property. Public monies may not be expended or encumbered except under an annual or continuing appropriation.

(Code of Iowa, Sec. 384.20)

2-9-11 FINANCIAL REPORT. Not later than December first of each year the City shall publish an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of this report shall be furnished to the Auditor of State.

(Code of Iowa, Sec. 384.22)

2-9-12 MONTHLY REPORTS. There shall be submitted to the council at the first meeting of each month a report showing the activity and status of each fund, program, sub-program, and activity for the preceding month.

2-9-13 ACTIVITY TRANSFERS. The City Administrator/Clerk shall have the authority to adjust, by transfer or otherwise, the appropriation allocated to activities within a program or sub-program provided, however, that when such adjustments in any one activity aggregate one thousand (1000) dollars or ten (10) percent of the amount appropriated, whichever is greater, no further adjustments shall be made without approval by resolution of the Council. All such transfers shall be reported in writing at the next regular meeting of the Council following the transfer and recorded in the minutes for the information of the Council and general public.

(Code of Iowa, Sec. 384.18 (c))

2-9-14 UNAUTHORIZED EXPENDITURE. No city official or employee, or any person acting under the color of such office or employment, shall knowingly make any contract or authorize any expenditure known by him to be in excess of that authorized by law.

(Code of Iowa, Sec. 721.2(1))

2-9-15 AUTHORIZATIONS TO EXPEND. All purchase orders other than those excepted herein shall be authorized by the City budget officer after determining whether the purchase, if a major item, has been authorized by the budget or other City Council approval. The City Administrator/Clerk shall then determine whether a purchase order may be issued by checking the availability of an appropriation sufficient to pay for such a purchase. A purchase order may be issued only if there is an appropriation sufficient for the purchase and for other anticipated or budgeted purposes. If no adequate appropriation is available for the expenditure contemplated the City Administrator/Clerk shall not issue a purchase order until a budget amendment to transfer of appropriation is made in accordance with power delegated by City Council and within the limits set by law and the City Council. The City Administrator/Clerk shall draw a warrant/check only upon an invoice received, or progress billing for a public improvement, supported by a purchase order and a signed receipt or other certification indicating the material

has been delivered of the quality and in the quantities indicated or the services have been performed satisfactorily to the extent invoiced.

2-9-16 ACCOUNTING. The City Administrator/Clerk shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written, which receipts and warrants shall be prenumbered, in accordance with modern, accepted methods, and the requirement of the state. The City Administrator/Clerk shall keep a general ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses. Warrants/checks shall be signed by the City Administrator/Clerk following council approval except as provided in section 2-9-16.

(Code of Iowa, Sec. 384.20)

2-9-17 BUDGET ACCOUNTS. The City Administrator/Clerk shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information and control for budgetary purposes as planned and approved by the City Council. Each individual account shall be maintained within its proper fund as required by City Council order or State law and shall be so kept that receipts can be immediately and directly compared with specific estimates and expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

(Code of Iowa, Sec. 384.20)

2-9-18 IMMEDIATE PAYMENT AUTHORIZED. The Council may by resolution authorize the City Administrator/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 principle and interest.

2-9-19 UTILITIES. The City Administrator/Clerk shall perform and be responsible for accounting functions of the municipally owned utilities.

2-9-20 INVESTMENT OF FUNDS. The finance officer shall advise the council on investments and shall invest city monies not immediately needed at interest in accordance with council directives and the requirements of Chapter 12B, Code of Iowa.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 10 CITY ELECTIONS

2-10-1	Purpose	2-10-5	Preparation of Petition
2-10-2	Nominating Method to be Used	2-10-6	Filing, Presumption, Withdrawals, Objections
2-10-3	Nominations by Petition	2-10-7	Persons Elected
2-10-4	Adding Name by Petition		

2-10-1 **PURPOSE.** The purpose of this chapter is to designate the method by which candidates for elective municipal offices in the City shall be nominated and elected.

2-10-2 **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)

2-10-3 **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 eligible electors, residents of the City.
(Code of Iowa, Sec. 45.1)

2-10-4 **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)

2-10-5 **PREPARATION OF PETITION.** Each eligible elector shall add to the signature the elector's residence address, and date of signing. The person whose nomination is proposed by the petition may not sign it. Before filing said petition, there shall be endorsed thereon or attached thereto an affidavit executed by the candidate, which affidavit shall contain:

1. **Name and Residence.** The name and residence (including street and number, if any) of said nominee, and the office to which nominated.
2. **Name on Ballot.** A request that the name of the nominee be printed upon the official ballot for the election.
3. **Eligibility.** A statement that the nominee is eligible to be a candidate for the office and if elected will qualify as such officer.
4. **Organization Statement.** A statement, in the form required by Iowa law, concerning the organization of the candidate's committee.

Such petition when so verified shall be known as a nomination paper.
(Code of Iowa, Sec. 45.5)

2-10-6 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.

2-10-7 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.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 11 PLANNING AND ZONING COMMISSION

2-11-1	Planning and Zoning Commission	2-11-4	Compensation
2-11-2	Term of Office	2-11-5	Powers and Duties
2-11-3	Vacancies		

2-11-1 **PLANNING AND ZONING COMMISSION.** There shall be a city planning and zoning commission, hereinafter referred to as the commission, consisting of seven (7) members, who shall be citizens of the City and qualified by knowledge or experience to act in matters pertaining to the development of a city plan and who shall not hold any elective office in the city government, appointed by the council.

(Code of Iowa, Sec. 414.6 & 392.1)

2-11-2 **TERM OF OFFICE.** The term of office of the members of the commission shall be five (5) years. The terms of not more than one-third of the members will expire in any one year.

(Code of Iowa, Sec. 392.1)

2-11-3 **VACANCIES.** If any vacancy shall exist on the commission caused by resignation, or otherwise, a successor for the residue of said term shall be appointed in the same manner as the original appointee.

(Code of Iowa, Sec. 392.1)

2-11-4 **COMPENSATION.** All members of the commission shall service without compensation, except their actual expenses, which shall be subject to the approval of the council.

(Code of Iowa, Sec. 392.1)

2-11-5 **POWERS AND DUTIES.** The commission shall have and exercise the following powers and duties:

1. **Selection of Officers.** The commission shall chose annually at its first regular meeting one of its members to act as chairman and another as vice-chairman, who shall perform all the duties of the chairman during his 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. Annual Report. The commission shall each year make a report to the Mayor and Council of its proceedings, with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year.
(Code of Iowa, Sec. 392.1)
4. Appointment of Assistants. Subject to the limitations contained in this chapter as to the expenditures of funds, it may appoint such assistants as it may deem necessary and prescribe and define their respective duties and fix and regulate the compensation to be paid to the several persons employed by it.
(Code of Iowa, Sec. 392.1)
5. Comprehensive Plan. It shall have full power and authority to make or cause to be made such surveys, studies, maps, plans, or charts of the whole or any portion of the City or of any land outside thereof, which in the opinion of the commission bears relation to the comprehensive plan and shall bring to the attention of the Council and may publish its studies and recommendations.
(Code of Iowa, Sec. 414.3)
6. Comprehensive Plan: Preparation. For the purpose of making a comprehensive plan for the physical development of the City, the commission shall make careful and comprehensive studies of present conditions and future growth of the City and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.
(Code of Iowa, Sec. 414.3 & 392.1)
7. Comprehensive Plan: Public Hearing. Before adopting a comprehensive plan as referred to in the preceding paragraph, or any part of it, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time which shall be given by one publication in a newspaper of general circulation in the City not less than fifteen (15) days before the date of hearing. The adoption of the plan or part or amendment thereof shall be by resolution of the commission carried by the affirmative vote of not less than two-thirds (2/3) of the members of the commission. After adoption of said plan by the commission an attested copy thereof shall be certified to the Council and the Council may approve the same. When said plan or any modification or amendment thereof shall receive the approval of the Council, the said plan until subsequently modified or amended as hereinbefore authorized shall constitute the official City plan.
(Code of Iowa, Sec. 414.1, 414.3, 414.6, & 392.1)

8. Comprehensive Plan: Amendments. When the comprehensive plan as hereinbefore provided has been adopted no substantial amendment or modification thereof shall be made without such proposed change first being referred to the commission for its recommendations. If the commission disapproves the proposed change it may be adopted by the Council only by the affirmative vote of at least three-fourths (3/4) of the members of the said Council.
(Code of Iowa, Sec. 414.4, 414.5 & 392.1)
9. Recommendations of Improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.
(Code of Iowa, Sec. 392.1)
10. Review and Comment on Plats. All plans, plats, or re-plats of subdivision or re-subdivisions of land embraced in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the City, shall first be submitted to the commission and its recommendations obtained before approval by the Council.
(Code of Iowa, Sec. 392.1)
11. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way, riverfront, or other public improvement affecting the City plan shall be finally approved by the City or the character or location thereof determined, unless such proposal shall first have been submitted to the commission and the latter shall have had thirty (30) days within which to file its recommendations thereon.
(Code of Iowa, Sec. 392.1)
12. Zoning. The commission shall have and exercise all the powers and duties and privileges in preparing and amending the City zoning code as provided in Chapter 414 of the Code of Iowa.
(Code of Iowa, Sec. 414.6)
13. Fiscal Responsibilities. The commission shall have full, complete and exclusive authority to expend for and on behalf of the City all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the City for City planning and zoning purposes.
(Code of Iowa, Sec. 392.1)

14. Limitations on Entering Contracts. The commission shall have no power to contract debts beyond the amount of its income for the present year.
(Code of Iowa, Sec. 392.1)

TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

3-1-1	Violations of Chapter	3-1-7	Private Property
3-1-2	Public Peace	3-1-8	Criminal Mischief
3-1-3	Public Morals	3-1-9	Possession of Traffic Control
3-1-4	Streets		Device
3-1-5	Public Safety and Health	3-1-10	Unlawful Assembly
3-1-6	Public Property	3-1-11	Failure to Disperse

3-1-1 VIOLATIONS OF CHAPTER. Commission of any of the acts named in the following sections by any person shall constitute a violation of this chapter.

3-1-2 PUBLIC PEACE. It shall be unlawful for any person to do any of the following:

1. Engage in fighting or violent behavior or invite or defy another person to fight, provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.
(Code of Iowa, Sec. 723.4(1))
2. Make unusually loud or excessive noise which results in the disturbance of the peace and the public quiet of a neighborhood.
(Code of Iowa, Sec. 723.4(2))
3. Willfully permit upon any premises owned, occupied, possessed or controlled by such person any unusually loud or excessive noise in such a manner calculated to provoke a breach of the peace of others, or the public quiet of the neighborhood.
(Code of Iowa, Sec. 723.4(2))
4. Direct abusive language or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.
(Code of Iowa, Sec. 723.4(3))
5. Without lawful authority or order 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))
6. Without authority, obstruct any street, sidewalk, highway or other public way.
(Code of Iowa, Sec. 723.4(7))

7. Without authority, solicit contributions, distribute literature, or otherwise peddle or sell goods and services within the traveled portion of any roadway.
(Code of Iowa, Sec. 364.12(2a))
8. 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))
9. Disrespect of Flag. Knowingly and publically used 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 of reasonable expectation that such use will provoke or encourage another to commit a public offense.
(Code of Iowa, Sec. 723.4(6))
10. Funeral or Memorial Service. Within 500 feet of the building or location where a funeral or memorial service is being conducted, or within 500 feet of a funeral procession or burial:
 - a. Make loud and raucous noise which causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.
 - b. Direct abusive epithets or make any threatening gesture which 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 process, or burial.

This section applies to conduct within 60 minutes preceding, during, and within the 60 minutes after a funeral, memorial service, funeral procession, or burial.
(Code of Iowa, Sec. 723.5)

11. Harassment. No person shall commit harassment.
 - a. A person commits harassment when, with intent to intimidate, annoy or alarm another person, the person does any of the following:
 - 1) Communicates with another by telephone, telegraph, or writing without legitimate purpose and in a manner likely to cause the other person annoyance or harm.
(Code of Iowa, Sec. 708.7)

- 2) Places any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by such person.
(Code of Iowa, Sec. 708.7)
 - 3) 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)
 - 4) 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)
- b. 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.

3-1-3 PUBLIC MORALS.

1. Indecent Exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to another or to urinate or defecate in public or in view of the public.
2. Prostitution. No person shall sell or offer for sale his or her services as a partner in a sex act, or purchase or offer to purchase such services.
(Code of Iowa, Sec. 725.1)
3. Leasing Premises for Prostitution. No person shall rent or let any building, structure, or part thereof, boat, trailer, or other place offering shelter or seclusion, when such person knows or has reason to know, that the lessee or tenant is using such for the purposes of prostitution, and who does is using such for other purposes of prostitution, and who does not, immediately upon acquiring such knowledge, terminate the tenancy or effectively put an end to such practice of prostitution in such place.
(Code of Iowa, Sec. 725.4)

3-1-4 STREETS.

1. Removal of safeguards or danger signals. No person shall willfully remove, tear down, destroy, deface, or carry away from any highway, street, alley, avenue or bridge 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 highway, street, alley, avenue or bridge without the consent of the person in control thereof.
(Code of Iowa, Sec. 716.5)
2. Obstructing or defacing streets. No person shall obstruct, deface, or injure any public road in any manner by breaking up, plowing or digging within the boundary lines thereof, without permission from the Mayor.
(Code of Iowa, Sec. 716.1)
3. Allowing water, snow, ice and accumulations on sidewalk. No abutting property owner shall allow water from an improperly located eave or drain, or from any roof, to fall onto a public sidewalk, or fail to remove snow, ice and accumulations from the sidewalks promptly. Upon failure by the abutting property owner to perform the action required under this subsection within a reasonable time, the City may perform the required action and assess the costs against the abutting property.
(Code of Iowa, Sec. 364.12(2) (b and e))
4. Removal of hydrant caps, sewer caps or manhole covers. No person shall remove or carry away hydrant caps, sewer caps or manhole covers without the consent of the person in control thereof.
5. Dumping of snow. It shall be 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 streets so as to obstruct gutters, or impede the passage of vehicles upon the street 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 streets temporarily, such accumulation shall be removed promptly by the property owner or his agent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.
6. 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.

3-1-5 PUBLIC SAFETY AND HEALTH.

1. Urinating in Public. It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way, or onto the floor, hallway, steps,

stairway, doorway, or window of any public building or privately owned building open to the public.

2. Distributing Dangerous Substances. No person shall distribute samples of any drugs or medicine, or any corrosive, caustic, poisonous or other injurious substances unless the person delivers such substances 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.
3. Putting Debris on Streets and Sidewalks. No person shall throw or deposit on any street or sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance, which the person knows or has reason to know may injure any person, animal or vehicle.
(Code of Iowa, Sec. 321.369)
4. Carrying a concealed weapon. It shall be unlawful for any person to carry under such person's clothes or concealed about their person or to be found in possession of any slingshot, knuckles of metal or other material, air gun or any other weapon other than a knife, unless licensed by the Iowa Department of Public Safety or having in possession a valid permit from the County Sheriff.
5. False alarms. No person shall give or cause to be given any false alarm of a fire, nor set fire to any combustible material, or cry or sound an alarm or by any other means without cause.
6. False reports to or communications with public safety entities. No person shall do any of the following:
 - a. 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.
(Code of Iowa, Sec. 718.6(1))
 - b. Telephone an emergency 911 communications center, knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.
(Code of Iowa, Sec. 718.6(2))
 - c. Knowingly provide false information to a law enforcement officer who enters the information on a citation.
(Code of Iowa, Sec. 718.6(3))

7. Stench bombs. No person shall throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, on or about a theater, restaurant, car, structure, place of business, or amusement, or any place of public assemblage, or attempt to do any of these acts, or prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, or peace officers in the discharge of their duties, or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this State; nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup, nor to any bank or other messenger carrying funds or other valuables.
8. Firearms.
 - a. No person, firm, or corporation shall discharge or fire any cannon, gun, bomb, pistol, or other firearms.
 - b. The City Council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would be allowed upon showing that the range would be under the direction of a competent organization, group or individual.
 - c. In the interest of public health and safety and at such times as approved by the Chief of Police, the police or their designee may use firearms to control rodent or animal problems when it is evident that conventional control methods have not resolved the problem.
 - d. Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theatre, or for signal purposes in athletic sports or by railroads, or trucks, for signal purposes, or by a recognized military organization and provided further that nothing in this section shall apply to any substance or composition prepared and used for medicinal or fumigation purposes.
 - e. There will be no hunting within the corporate limits of the City with any deadly weapon. This includes an uncased or loaded firearm of any kind, shotguns, rifles, pistols, muzzleloaders, bow and cross bows. A valid license is not a defense to this prohibition. Exemptions may be obtained only on authorization of the Council with specific written limitations and not valid for more than one season.

9. Fireworks.

(Code of Iowa, Sec. 727.2)

a. Definitions. For purposes of this section:

- 1) “Consumer fireworks” includes first-class consumer fireworks and second-class consumer fireworks as those terms are defined in section 100.19, subsection 1 of the Code of Iowa. “Consumer fireworks” does not include novelties enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1 or display fireworks enumerated in chapter 4 of the American pyrotechnics association’s standard 87-1.
- 2) “Display fireworks” includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. “Display fireworks” does not include novelties or consumer fireworks enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1.
- 3) “Novelties” includes all novelties enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission.

b. Display fireworks.

- 1) A person, firm, partnership, or corporation who offers for sale, exposes for sale, sells at retail, or uses or explodes any display fireworks, commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. However, a city council of a city or a county board of supervisors may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the city or the county board of supervisors when the display fireworks will be handled by a competent operator, but no such permit shall be required for the display of display fireworks at the Iowa state fairgrounds by the Iowa state fair board, at incorporated county fairs, or at district fairs receiving state aid. Sales of display fireworks for such display may be made for that purpose only.
- 2) A. A person who uses or explodes display fireworks while the use of such devices is prohibited or limited by an ordinance or resolution adopted by the county or city in which the firework is used commits

a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

- B. A person who uses or explodes display fireworks while the use of such devices is suspended by an order of the state fire marshal commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

c. Consumer fireworks and novelties.

- 1) A person or a firm, partnership, or corporation may possess, use, or explode consumer fireworks in accordance with this subsection and subsection d.
- 2) A person, firm, partnership, or corporation who sells consumer fireworks to a person who is less than eighteen years of age commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. A person who is less than eighteen years of age who purchases consumer fireworks commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.
- 3)
 - A. A person who uses or explodes consumer fireworks or novelties while the use of such devices is prohibited or limited by an ordinance adopted by the county or city in which the fireworks are used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.
 - B. A person who uses or explodes consumer fireworks or novelties while the use of such devices is suspended by an order of the state fire marshal commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

d. Limitations.

- 1) A person shall not use or explode consumer fireworks on days other than June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive.
- 2) A person shall not use or explode consumer fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates consumer fireworks shall not be used at times other than between the hours specified:
 - A. Between the hours of 9:00 a.m. and 11:00 p.m. on July 4 and the Saturdays and Sundays immediately preceding and following July 4.

- B. Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day.
 - C. Between the hours of 9:00 a.m. and 11:00 p.m. on the Saturdays and Sundays immediately preceding and following December 31.
- 3) A person shall not use consumer fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of consumer fireworks on that property.
 - 4) A person who violates this subsection commits a simple misdemeanor. A court shall not order imprisonment for violation of this subsection.
- e. Applicability.
- 1) This section does not prohibit the sale by a resident, dealer, manufacturer, or jobber of such fireworks as are not prohibited by this section, or the sale of any kind of fireworks if they are to be shipped out of the state, or the sale or use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads or trucks, for signal purposes, or by a recognized military organization.
 - 2) This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.
 - 3) Unless specifically provided otherwise, this section does not apply to novelties.
10. No person shall so use fire or any incendiary or explosive device or material as to recklessly endanger the property or safety of another.
(Code of Iowa, Sec. 712.5)
11. No person shall purchase, transport, store, or detonate explosive materials without first obtaining a use permit from the County Sheriff except when the explosives are possessed for the sole purpose of transporting them through the city.
(Code of Iowa, Sec. 101A.3)

12. Abandoned refrigerators. No person shall place, or allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an air-tight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned building or dwelling, or other structure, under such person's control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, icebox or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

(Code of Iowa, Sec. 727.3)

13. Impersonating an officer. No person shall falsely represent themselves or falsely assume to be any law enforcement officer, judge or magistrate. It shall be unlawful to wear or adopt the uniform or insignia of any law enforcement officer on any street or public place.

(Code of Iowa, Sec. 718.2)

14. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer in the performance of any act which is within the scope of the officer's lawful duty or authority, 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.

(Code of Iowa, Sec. 719.1)

15. 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)

16. Harassment of City Employees.

(Code of Iowa, Sec. 718.4)

- a. It shall be unlawful for any person to willfully prevent, resist or obstruct or attempt to prevent, resist or obstruct any City employee from the performance of any official duty.
- b. It shall be unlawful for any person to communicate by any means, any threat of bodily or property harm to any City employee or to any member of the employee's family during the course of, or as a result of, the performance of any official duty by said City employee.

17. Antenna and radio wires. No person shall allow, locate or maintain any antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or public property.
(Code of Iowa, Sec. 364.12(2))
18. Barbed wire. No person shall install, allow to be installed or use barbed wire without the consent of the City Council.
(Code of Iowa, Sec. 364.1)
19. Playing in streets. No person shall coast, sled or play games on streets or highways except in areas blocked off by the Chief of Police for such purposes.
(Code of Iowa, Sec. 364.12)
20. Skateboarding. No skateboarding in any areas from Woodlawn Street, Michigan Street and Jefferson Street to Madison Street.

3-1-6 PUBLIC PROPERTY.

1. Defacing public grounds. No person shall cut, break or deface any tree or shrub in a public park or on any avenue thereto by willfully defacing, cutting, breaking or injuring, except by the authority of the Mayor.
(Code of Iowa, Sec. 364.12(2))
2. Injuring new pavement. No person shall injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement.
(Code of Iowa, Sec. 364.12(2))
3. Destroying park equipment. No person shall destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.
(Code of Iowa, Sec. 364.12(2))
4. Injury to public library books or property. No person shall willfully or recklessly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room.
5. Defacing or destroying proclamations or notices. No person shall intentionally 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 of this State, or any proclamation, advertisement or notification, set up at any place within the City by authority of 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)

6. Injury to gravestones or property in cemetery. No person shall willfully or recklessly destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery, or any fences, railing or other work for the protection, ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or willfully and maliciously destroy, cut, break or injure any tree, shrub, plant or lawn within the limits of said cemetery, or drive outside of said avenues and roads, and over the grass or graves of said cemetery.
(Code of Iowa, Sec. 716.1)
7. Injury to fire apparatus. No person shall willfully destroy or injure any engines, hose carriage, hose, hook and ladder carriage, or other things used and kept for extinguishment of fires.
(Code of Iowa, Sec. 716.1)
8. Obstructing or defacing roads. No person shall obstruct, deface or injure any public road by breaking up, plowing or digging within the boundary lines thereof, except by written authorization of the City Administrator/Clerk.
(Code of Iowa, Sec. 716.1)
9. Injury to roads, railways, and other utilities. No person shall injure, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or cut, burn, or in any way break down, injure or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing.
(Code of Iowa, Sec. 716.1)
10. Tapping into Utility Transmission Cables. No person shall connect to any transmission cable without first obtaining permission from the owner of the cable.
(Code of Iowa, Sec. 727.8)
11. Obstructing ditches and breaking levees. No person shall divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or break down any levee established, constructed, or maintained under any provision of law.
(Code of Iowa, Sec. 716.1)

12. **PUBLIC BUILDINGS.** It shall be unlawful to willfully write, make marks, or draw characters on the walls or any other part of any church, college, academy, school house, court house, or other public building, or on any furniture, apparatus, or fixture therein; or to willfully injure or deface the same, or any wall or fence enclosing the same.
13. **UNAUTHORIZED ENTRY.** No person shall enter any public building or public enclosures unless authorized to do so. Any entry into public buildings and enclosures shall be considered to be unauthorized when said buildings or enclosures are closed and secured against entry and not open to the public. When open to the public, a failure to pay a required admission fee, if any, shall also constitute an unauthorized entry.
14. **POSSESSION OF TRAFIC CONTROL DEVICE.** It shall be unlawful for any person to have in his possession any official traffic-control device except by reason of his employment.

(Code of Iowa, 1981, Sec. 321.260)

3-1-7 PRIVATE PROPERTY

1. **Trespassing Prohibited.** It shall be unlawful for a person to commit one or more of the following acts:
 - a. **Enter Property Without Permission.** Enter 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.
(Code of Iowa, Sec. 716.7(2a))
 - b. **Vacate Property When Requested.** Enter or remain 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 by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.
(Code of Iowa, Sec. 716.7(2a))
 - c. **Interfere with Lawful Use of Property.** Enter upon or in private property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.
(Code of Iowa, Sec. 716.7(2a))
 - d. **Use of Property. Without Permission.** Be upon or in property and wrongfully use, remove therefrom, alter, damage, harass, or place there on or therein anything animate or inanimate, without the implied or actual

permission of the owner, lessee, or person in lawful possession.
(Code of Iowa, Sec. 716.7(2a))

2. **ELECTRONIC AND MECHANICAL EAVESDROPPING.** No person, having no right or authority to do so, shall tap into or connect a listening or recording device to any telephone or other communication wire, or shall by any electronic or mechanical means listen to, record or otherwise intercept a conversation or communication of any kind; provided, that the sender or recipient of a message or one who is openly present and participating in or listening to a communication shall not be prohibited hereby from recording such message or communication; and further provided, that nothing herein shall restrict the use of any radio or television receiver to receive any communication transmitted by radio and wireless signal.

(Code of Iowa, Sec. 727.8)

3. **THEFT.** No person shall take possession or control of the property of another, or property in the possession of another, with the intent to deprive the other thereof.

(Code of Iowa, Sec. 714.1.1)

4. **THEFT OF UTILITY SERVICES.** No person shall obtain gas, electricity, or water from a public utility or obtain cable television services from an unauthorized connection to the supply or service line or by intentionally altering, adjusting, removing, or tampering with the metering or service device so as to cause inaccurate readings.

(Code of Iowa, Sec. 714.1.7)

3-1-8 **CRIMINAL MISCHIEF.** Any damage, defacing, alteration, or destruction of tangible property is criminal mischief when done intentionally by one who has no right to so act, and shall be unlawful.

3-1-9 **POSSESSION OF TRAFFIC CONTROL DEVICE.** It shall be unlawful for any person to have in his possession any official traffic-control device except by reason of his employment.

3-1-10 **UNLAWFUL ASSEMBLY.** It shall be unlawful for three (3) 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)

3-1-11 **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)

TITLE III COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

3-2-1	Definitions	3-2-8	Request for Hearing and Appeal
3-2-2	Nuisances Prohibited	3-2-9	Abatement in Emergency
3-2-3	Nuisances Unlawful	3-2-10	Abatement by Municipality
3-2-4	Other Conditions Regulated	3-2-11	Collection of Cost of Abatement
3-2-5	Notice to Abate Nuisance or Condition	3-2-12	Installment Payment of Cost of Abatement
3-2-6	Contents of Notice to Abate	3-2-13	Condemnation of Nuisance
3-2-7	Method of Service		

3-2-1 DEFINITIONS. For use in this Ordinance, the following terms are defined:

1. The term "nuisance" means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:

(Code of Iowa, Sec. 657.1)

- a. The erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture, which 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.

(Code of Iowa, Sec. 657.2(1))

- b. The causing or suffering any offal, filth, or noisome substance to accumulate or to remain in any place to the prejudice of others.

(Code of Iowa, Sec. 657.2(2))

- c. The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.

(Code of Iowa, Sec. 657.2(3))

- d. The polluting 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.

(Code of Iowa, Sec. 657.2(4))

- e. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
(Code of Iowa, Sec. 657.2(5))
- f. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of controlled substances or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.
(Code of Iowa, Sec. 657.2(6))
- g. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which 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, especially near intersecting streets.
(Code of Iowa, Sec. 657.2(7))
- h. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in the City.
- i. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by any person, including a dealer in such articles, unless it be in a building of fire resistant construction.
(Code of Iowa, Sec. 657.2(9))
- j. The emission of dense smoke, noxious fumes, or fly ash.
(Code of Iowa, Sec. 657.2(10))
- k. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard including any City owned property between the abutting property line and the street right-of-way.
(Code of Iowa, Sec. 657.2(11))
- l. Trees infected with Dutch elm disease.
(Code of Iowa, Sec. 657.2(12))
- m. Effluent from septic tank or drain field running or ponding on the ground in the open.
- n. Any article or substance placed upon a street, alley, sidewalk, public ground, or in any ditch, waterway, or gutter so as to obstruct the drainage.
(Code of Iowa, Sec. 716.1)

- o. Accumulations of rubbish or trash tending to harbor vermin, rodents, and rank growth of weeds or other vegetation and plants, which is conducive to hazard.

(Code of Iowa, Sec. 657.2)

- p. Obstructing View at Intersections. All trees, hedges, billboards, fences or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.

- q. Dangerous Buildings. Dangerous buildings, as defined by Section 6-12-3, including all twelve subsections, is incorporated herein by reference in its totality.

(Added by Ordinance No. 94-11)

- 2. The term "property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.

(Code of Iowa, Sec. 364.1)

3-2-2 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided in this chapter.

(Code of Iowa, Sec. 657.3)

3-2-3 NUISANCES UNLAWFUL. In the alternative, it shall be unlawful for any person to allow a nuisance to develop, exist, or remain upon his or her property under his or her control.

3-2-4 OTHER CONDITIONS REGULATED. The following actions are required and may also be abated in the manner provided in this Ordinance:

- 1. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.

(Code of Iowa, Sec. 364.12(3) (b))

- 2. The removal, repair, or dismantling of dangerous buildings or structures.

(Code of Iowa, Sec. 364.12(3) (c))

- 3. The numbering of buildings.

(Code of Iowa, Sec. 364.12(3) (d))

- 4. The connection to public drainage systems from abutting property when necessary for public health or safety.

(Code of Iowa, Sec. 364.12(3) (e))

- 5. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.

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

6. The cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.

(Code of Iowa, Sec. 364.12(3) (g))

7. The maintenance, by the property owner, of all property outside the lot and property lines and inside the curb lines upon public streets, including maintaining a fifteen (15) foot clearance above the street from trees extending over the streets, except as provided in Section 3-2-3(1).

3-2-5 NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the Mayor or other authorized municipal officer finds that a nuisance or other condition exists, the Mayor or officer shall notify the property owner as shown by the records of the County Auditor to abate the nuisance within a reasonable time after notice.

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

3-2-6 CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:

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

1. A description of what constitutes the nuisance or other condition.
2. The location of the nuisance or condition.
3. A statement of the act or acts necessary to abate the nuisance or condition.
4. A reasonable time within which to complete the abatement.
5. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

3-2-7 METHOD OF SERVICE. The notice may be sent by regular mail to the property owner as shown by the records of the County Auditor.

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

3-2-8 REQUEST FOR HEARING AND APPEAL. Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the officer finds that a nuisance or prohibited condition exists, the officer must order it abated within an additional time which must be

reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal shall be heard before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

3-2-9 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, and assess the costs as provided herein, after notice to the property owner under the applicable provision of Sections 3-2-4 and 3-2-5 and hearing as provided in Section 3-2-7.

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

3-2-10 ABATEMENT BY MUNICIPALITY. 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 City Administrator/Clerk, who shall pay such expenses on behalf of the municipality.

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

3-2-11 COLLECTION OF COST OF ABATEMENT. The City Administrator/Clerk shall mail a statement of the total expense incurred 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 City Administrator/Clerk shall certify the costs to the County Treasurer and they shall then be collected with, and in the same manner, as general property taxes.

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

3-2-12 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds \$100, the City may permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the County Treasurer.

(Code of Iowa, Sec. 364.13)

3-2-13 CONDEMNATION OF NUISANCE. The City may condemn a residential building found to be abandoned and a public nuisance and take title to the property for the public purpose of disposing of the property under Chapter 657A by conveying the property to a private individual and/or entity for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

TITLE III COMMUNITY PROTECTION

CHAPTER 3 TRAFFIC CODE

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3-3-1 SHORT TITLE. This chapter may be known and cited as the "Traffic Code".

3-3-2 DEFINITIONS. Where words and phrases used in this chapter are defined in Chapter 321 of the Code of Iowa, such definitions shall apply to this Ordinance.

1. "Park and parking" means the stopping or standing of a vehicle, except for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.
2. "Stand or standing" means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.
3. "Stop", when required means complete cessation of movement.
4. "Stop or stopping", when prohibited, means 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 police officer or traffic-control sign or signal.
5. "Business districts" means: the territory contiguous to and including a highway when fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.
6. "Residential districts" means all areas of the City not included in business districts.

(Code of Iowa, Sec. 321.1)

7. "Traffic Control Device" shall mean all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed, or erected for the purpose of regulating, warning, or guiding traffic.
8. "Controlled Access Facility" shall mean the highways or streets designated in this Code of Ordinances.
9. "U-Turn" shall mean any turn or maneuver of a vehicle so that said vehicle proceeds in the opposite direction that it was previously headed.
10. "Vehicle" shall mean 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.

(Code of Iowa, Sec. 321.1(1))

11. "All-terrain Vehicles" shall mean a motor vehicle designed to travel on three or more wheels and designed primarily for off-road use but not including farm

tractors or equipment, construction equipment, forestry vehicles or lawn and grounds maintenance vehicles.

3-3-3 **TRAFFIC ACCIDENT REPORTS.** The driver of a vehicle involved in an accident within the limits of this 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 Chief of Police. All such reports shall be for the confidential use of the police department and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

The City shall maintain a suitable system of filing traffic accident reports.
(Code of Iowa, Sec. 321.266)

3-3-4 **INVESTIGATION OF TRAFFIC ACCIDENTS.** The police department shall investigate all accidents reported. If sufficient evidence of a violation is found, proper action will be taken to punish the violator.
(Code of Iowa, Sec. 372.12(4))

3-3-5 **TRAFFIC ACCIDENTS: STUDIES.** Whenever the accidents at any particular location become numerous, the police chief shall conduct studies of such accidents and propose remedial measures.
(Code of Iowa, Sec. 372.13(4))

3-3-6 **POLICE DEPARTMENT TO SUBMIT ANNUAL REPORTS.** The Police Chief shall prepare annually a traffic report which shall be filed with the Mayor and Council. Such report shall contain information on traffic matters in this City concerning the number of traffic accidents, the number of persons killed or injured, the number and nature of violations, and other pertinent traffic data including the plans and recommendations for future traffic safety activities.

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-7 **PEACE OFFICER'S AUTHORITY.** Any peace officer is authorized to stop any vehicle to require exhibition of the driver's motor vehicle license, 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, bills of lading or other manifest of employment, tires and safety equipment, or to inspect the registration certificate, the compensation certification, travel order, or permit of such vehicle.
(Code of Iowa, Sec. 321.492)

3-3-8 **AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS.** Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the police department. The officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or

assist the police in directing traffic threat or in the immediate vicinity. (Code of Iowa, Sec. 321.229)

3-3-9 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. Any person who shall willfully fail or refuse to comply with any lawful order of a police officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the Code are adopted by reference:

1. 321.32 Registration Card Carried
2. 321.37 Display of Plates
3. 321.38 Plates – Method of Attaching
4. 321.79 Intent to Injure
5. 321.174 Operators Licensed
6. 321.174A Operator of Motor Vehicle with Expired License
7. 321.98 Operation without registration.
8. 321.180 Violations of instruction permit limitations.
9. 321.193 Violation of conditions of restricted license.
10. 321.194 Violation of conditions of minor's school license.
11. 321.216 Unlawful use of license.
12. 321.216B Use of Driver's License by Underage Person
13. 321.218 Driving without a valid license (as to simple misdemeanor offenses only).
14. 321.219 Permitting unauthorized minor to drive.
15. 321.220 Permitting unauthorized person to drive.
16. 321.224 Record Kept
17. 321.229 Failure to comply with lawful order of peace officer.
18. 321.231 Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals).
19. 321.232 Radar jamming devices.
20. 321.234 Failure to observe seating requirements.
21. 321.236 (Parking) Violation of local ordinance (not a state offense).
22. 321.256 Failure to obey traffic control device.
23. 321.257 Failure to obey or yield to pedestrian or to official traffic control signal.
24. 321.259 Violating Signs, Signals, or Markings
25. 321.260 Unlawful possession of, or interference with traffic control device.
26. 321.262 Leaving Scene of a Traffic Accident
27. 321.263 Information and Aid
28. 321.264 Striking unattended vehicle.
29. 321.265 Striking fixtures upon a highway.
30. 321.275 Motorcycle and motorized bicycles violations.
31. 321.277 Reckless driving.
32. 321.278 Drag racing prohibited.
33. 321.284 Open Containers in Motor Vehicles
34. 321.285 Speed restrictions.

- 35. 321.286 Truck speed limits (highway).
- 36. 321.287 Bus speed limits (highway).
- 37. 321.288 Failure to maintain control.
- 38. 321.294 Failure to maintain minimum speed when directed by officer.
- 39. 321.295 Excessive speed on bridge.
- 40. 321.297 Driving on wrong side of two-way highway.
- 41. 321.298 Failure to yield half of roadway upon meeting vehicle.
- 42. 321.299 Passing on wrong side.
- 43. 321.303 Unsafe passing.
- 44. 321.304 Unlawful passing.
- 45. 321.305 Violating one-way traffic designation.
- 46. 321.306 Improper use of lanes.
- 47. 321.307 Following too closely.
- 48. 321.308 Following too closely (trucks and towing vehicles).
- 49. 321.309 Failure to use approved drawbar.
- 50. 321.310 Unlawful towing of four-wheeled trailer.
- 51. 321.311 Turning from improper lane.
- 52. 321.312 Making U-turn on curve or hill.
- 53. 321.313 Unsafe starting of a stopped vehicle.
- 54. 321.314 Unsafe turn or failure to give signal.
- 55. 321.315 Failure to give continuous turn signal.
- 56. 321.316 Failure to signal stop or rapid deceleration.
- 57. 321.317 Signal light requirements; see equipment violation.
- 58. 321.318 Incorrect hand signal.
- 59. 321.319 Failure to yield to vehicle on right.
- 60. 321.320 Failure to yield upon left turn.
- 61. 321.321 Failure to yield upon entering through highway.
- 62. 321.322 Failure to obey stop or yield sign.
- 63. 321.323 Unsafe backing on highway.
- 64. 321.324 Failure to yield to emergency vehicle.
- 65. 321.325 Pedestrian disobeying traffic control signal.
- 66. 321.326 Pedestrian walking on wrong side of highway.
- 67. 321.327 Pedestrian right-of-way.
- 68. 321.328 Pedestrian failing to use crosswalk.
- 69. 321.329 Vehicle failing to yield to pedestrian.
- 70. 321.330 Use of Crosswalks
- 71. 321.331 Soliciting ride from within roadway.
- 72. 321.332 Unlawful use of white cane.
- 73. 321.333 Failure to yield to blind person.
- 74. 321.340 Driving in or through safety zone.
- 75. 321.341 Failure to properly stop at railroad crossing.
- 76. 321.342 Failure to obey stop sign at railroad crossing.
- 77. 321.343 Failure to stop certain cargo or passenger vehicle at railroad crossing.
- 78. 321.344 Unlawful movement of construction equipment across railroad track.
- 79. 321.353 Unsafe entry into sidewalk or roadway.

- 80. 321.354 Stopping on traveled part of highway.
- 81. 321.358 Stopping, standing, or parking where prohibited.
- 82. 321.359 Moving Other Vehicles
- 83. 321.360 Prohibited parking in front of certain buildings.
- 84. 321.361 Parking too far from curb/angular parking.
- 85. 321.362 Parking without stopping engine and setting brake.
- 86. 321.363 Driving with obstructed view or control.
- 87. 321.365 Coasting upon downgrade.
- 88. 321.366 Improper use of median, curb, or controlled access facility.
- 89. 321.367 Failure to maintain distance fire-fighting vehicle.
- 90. 321.368 Crossing unprotected fire hose.
- 91. 321.369 Putting debris on highway/roadway.
- 92. 321.370 Removing injurious material.
- 93. 321.371 Clearing up wrecks.
- 94. 321.372 School bus provisions.
- 95. 321.377 Excessive speed of school bus.
- 96. 321.381 Driving or towing unsafe vehicle.
- 97. 321.382 Operating underpowered vehicle.
- 98. 321.383 Failure to display reflective device on slow-moving vehicles.
- 99. 321.384 Failure to use headlamps when required.
- 100. 321.385 Insufficient number of headlamps.
- 101. 321.386 Insufficient number of headlamps-motorcycles and motorized bicycles.
- 102. 321.387 Improper rear lamp.
- 103. 321.388 Improper registration plate lamp.
- 104. 321.389 Improper rear reflector.
- 105. 321.390 Reflector requirements.
- 106. 321.391 Improper type of reflector.
- 107. 321.392 Improper clearance lighting on truck or trailer.
- 108. 321.393 Lighting device color and mounting.
- 109. 321.394 No lamp or flag on rear-projecting load.
- 110. 321.395 Parking on certain roadways without parking lights.
- 111. 321.397 Improper light on bicycle.
- 112. 321.398 Improper light on other vehicle.
- 113. 321.402 Improper use of spotlight.
- 114. 321.403 Improper use of auxiliary driving lights.
- 115. 321.404 Improper brake light.
- 116. 321.408 Back-up lamps.
- 117. 321.409 Improperly adjusted headlamps.
- 118. 321.415 Failure to dim.
- 119. 321.419 Improper headlighting when night driving.
- 120. 321.420 Excessive number of driving lights.
- 121. 321.422 Lights of improper color-front or rear.
- 122. 321.423 Special light/signal provision.
- 123. 321.430 Defective braking equipment.
- 124. 321.431 Brake performance ability.

- 125. 321.432 Defective audible warning device.
- 126. 321.433 Unauthorized use of emergency audible warning devices on motor vehicle.
- 127. 321.434 Use of siren or whistle on bicycle.
- 128. 321.436 Defective or unauthorized muffler system.
- 129. 321.437 Mirrors.
- 130. 321.438 Windshields.
- 131. 321.439 Defective windshield wiper.
- 132. 321.440 Defective tires.
- 133. 321.441 Unauthorized use of metal tire or track.
- 134. 321.442 Unauthorized use of metal projection on wheels.
- 135. 321.444 Failure to use safety glass.
- 136. 321.445 Failure to maintain or use safety belts.
- 137. 321.446 Failure to secure child.
- 138. 321.449 Special regulations.
- 139. 321.450 Hazardous materials.
- 140. 321.454 Width and length violations.
- 141. 321.455 Excessive side projection of load – passenger vehicle.
- 142. 321.456 Excessive height.
- 143. 321.457 Excessive length.
- 144. 321.458 Excessive projection from front of vehicle.
- 145. 321.459 Excessive weight – dual axels (each over 2000 lb. over).
- 146. 321.460 Spilling loads on highways.
- 147. 321.461 Excessive tow-bar length.
- 148. 321.462 Failure to use required towing equipment.
- 149. 321.463 Maximum gross weight.
- 150. 321.466 Gross weight in excess of registered gross weight (for each 2000lb. over).

TRAFFIC CONTROL DEVICES

3-3-10 **AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES.** The Mayor or Mayor's designee shall cause to be placed and maintained traffic-control devices when and as required under this chapter or other Ordinances of this City to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic Ordinances of this City or under State law or to guide or warn traffic.

The Mayor or Mayor's designee shall keep a record of all traffic-control devices maintained by the department.

All traffic-control devices shall comply with current standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways at the time the control device is placed or erected.

(Code of Iowa, Sec. 321.255 and 321.256)

3-3-11 MAYOR OR MAYOR'S DESIGNEE TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES. The Mayor or Mayor's designee is hereby authorized, subject to the approval of the council by resolution:

1. To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks 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.
2. To mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic Code of this City. Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of a lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

3-3-12 PLAY STREETS. The City Council has the authority to declare any street or part thereof a play street and to place 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 the street or any portion thereof except drivers of vehicles having business or whose residences are within the closed area, and then the driver shall exercise the greatest care in driving upon the street or portion thereof.

SPEED REGULATIONS

3-3-13 CHANGING STATE SPEED LIMITS IN CERTAIN ZONES. It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law upon the following streets or portions thereof is greater or less than is necessary for the safe operations thereof is greater or less than is necessary for the safe operation of vehicles thereon, and it is declared that the maximum speed limit upon these streets or portions thereof described shall be as follows.

1. SPECIAL 15 MPH SPEED ZONES. A speed in excess of fifteen (15) miles per hour shall be unlawful on any of the following designated streets or parts thereof.
 - a. Earl Street from Main Street to Monroe. (School Zone)
2. SPECIAL 45 MPH SPEED ZONES. A speed in excess of forty-five (45) miles per hour shall be unlawful on any of the following designated streets or parts thereof.
 - a. Main Street (Iowa No. 175) westbound from a point approximately 1000 feet east of Harbor Street at station 18 to Harbor Street.

- b. Main Street (Iowa No. 175) westbound from station 471+67 to station 455.
 - c. Main Street (Iowa No. 175) eastbound from station 455 to station 471+67.
 - d. N37 Road: 1325 feet north of Madison Street for 800 feet.
 - e. N41 Road: 860 feet north of Franklin Street for 800 feet.
 - f. N41 Road: 1620 feet north of 365th Street centerline.
(Subsections 4-6 - Ord. 05-01 - Jul. 05 Supp.)
3. SPECIAL 55 MPH SPEED ZONES. A speed in excess of fifty-five (55) miles per hour shall be unlawful on any of the following designated streets or parts thereof.
- a. Main Street (Iowa No. 175) westbound from station 51+50 (ECL) to station 18.
 - b. Main Street (Iowa No. 175) westbound from station 455 to the west corporate line.
 - c. Main Street (Iowa No. 175) eastbound from station 428+30 (WCL) to station 455.
 - d. Main Street (Iowa No. 175) eastbound from Harbor Street to the east corporate line.
 - e. N37 Road: 2125 feet north of Madison Street.
 - f. N41 Road: 1660 feet north of Franklin Street.
 - g. N41 Road: from 370th Street northward to 820 feet of 365th Street centerline.
(Subsections 5-7 - Ord. OS-OJ - Jul. 05 Supp.)
4. PARKS, CEMETARIES, 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 article, is unlawful.
(Code of Iowa, 1981, Sec. 321.236(5))

TURNING MOVEMENTS

3-3-14 TURNING MARKERS, BUTTONS AND SIGNS. The Mayor or Mayor's designee 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 by the

State law 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 the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.

(Code of Iowa, Sec. 321.311)

3-3-15 OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

3-3-16 "U" TURNS. It shall be unlawful for a driver of any vehicle to make a "U" turn (as defined in this Code of Ordinances) at any location set forth in an ordinance of this city as an area where U-Turns are prohibited. In addition to these previously mentioned locations, it shall also be unlawful for a driver to make a U-Turn except at an intersection, and even at an intersection it shall not be lawful to make a U-Turn if such a turn at said intersection is prohibited by ordinances and marked by a sign indicating that U-Turns are prohibited.

(Code of Iowa, 1981, Sec. 321.255)

ONE-WAY STREETS AND ALLEYS

3-3-17 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic Code of this City designates any one-way street or alley the Mayor shall cause to be placed and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers or other devices placed in accordance with this section.

3-3-18 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, 1981, Sec. 321.236 (4))

1. Center Street shall be southbound only from Main Street to Jefferson Street.
2. Illinois Street shall be northbound only from Jefferson Street to Main Street.

3-3-19 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS. The Chief of Police is authorized to determine and recommend to the Council certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall, upon authority given by Ordinance, place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The Chief of Police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers, or other devices placed in accordance with this section.

The following streets may have variable laning or direction of traffic at different times of day as marked by authorized signs under the provisions of this section:

SPECIAL STOPS REQUIRED

3-3-20 THROUGH STREETS STOP. Every driver of a vehicle shall stop, unless a yield is permitted by this chapter before entering an intersection with the following designated through streets.

(Code of Iowa, 1981, Sec. 321.345)

1. Center Street from Washington Street to Franklin Street.
2. Center Street from Jefferson Street to Sixth Street.
3. County Road from Main Street south to Sixth Street.
4. Hancock Street from the south corporate line to Main Street.
5. Hancock Street from Main Street to the north corporate line.
6. Madison Street from Lloyd Street to Center Street.
7. Main Street from the west corporate line to the east corporate line.
8. Sixth Street from the west corporate line to Hancock Street.
9. West Street from Sixth Street to Main Street.
10. Woodlawn Avenue from Sixth Street to Main Street.
11. Woodlawn Avenue from Main Street to the north corporate line.
12. Michigan Street at Madison Street.
13. Michigan Street at Washington Street.
14. Jefferson Street at Earl Street.
15. Washington Street at Michigan Street.

3-3-21 SPECIAL YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the following:

1. County Road. Vehicles traveling south on County Road shall yield at Sixth Street.
2. Franklin Street. Vehicles traveling west on Franklin Street shall yield at Lloyd Street.
3. Hughitt Street. Vehicles traveling south on Hughitt Street shall yield at Washington Street.
4. Jefferson Street. Vehicles traveling east on Jefferson street shall yield at Woodlawn Avenue.
5. Lincoln Street. Vehicles traveling on Lincoln Street shall yield at Pennsylvania Street.
6. Madison Street. Vehicles traveling on Madison Street shall yield at Edna Street.
7. Michigan Street. Vehicles traveling on Michigan Street shall yield at Jefferson Street.
8. Pennsylvania Street. Vehicles traveling west on Pennsylvania Street shall yield at Edna Street.
9. Washington Street. Vehicles traveling on Washington Street shall yield at Edna Street.
10. Westview Drive. Vehicles traveling south on Westview Drive shall yield at South Street.
11. Westview Drive. Vehicles traveling east on Westview Drive shall yield at Earl Street.
12. Earl Street. Vehicles traveling south on Earl Street shall yield at South Street.
13. Fred Street. Vehicles traveling south on Fred Street shall yield at Monroe Street.
14. Lloyd Street. Vehicles traveling south on Lloyd Street shall yield at Monroe Street.
15. Roy Street. Vehicles traveling on Roy Street shall yield at Monroe Street.
16. Olive Street. Vehicles traveling on Olive Street shall yield at Monroe Street.

17. Hughitt Street. Vehicles traveling on Hughitt Street shall yield at Monroe Street.
18. Michigan Street. Vehicles traveling on Michigan Street shall yield at Monroe Street.
19. Illinois Street. Vehicles traveling on Illinois Street shall yield at Monroe Street.
20. Lincoln Street. Vehicles traveling on Lincoln Street shall yield at Monroe Street.
21. Adams Street. Vehicles traveling west on Adams Street shall yield at Edna Street.

3-3-22 **AUTHORITY TO ERECT STOP SIGNS.** Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Chief of Police to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

3-3-23 **STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS.** At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the Chief of Police is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the Council, and, upon approval of the Council, shall erect an appropriate sign at every place where a stop or yield is required.

3-3-24 **SCHOOL STOPS.** At the following school crossing zones every driver of a vehicle approaching said zone shall bring his vehicle to a full stop at a point ten (10) feet from the approach side of the crosswalk marked by an authorized school stop sign and thereafter proceed in a careful and prudent manner until he shall have passed through such school crossing zone.

(Code of Iowa, Sec. 321.249)

1. Intersection of Main Street and Earl Street.

3-3-25 **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 he is operating.

3-3-26 **SNOW REMOVAL.** No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking during snow removal period. The snow parking ban shall continue from the cessation of snowfall and extensive blowing to a period twenty-four (24) hours late. Such a ban shall be of uniform application and the Police Chief is directed to publicize the requirements annually in the Lake City Graphic. The Police Chief/Officer, after consultation with the Public Works Director, shall determine when there is sufficient depth of snow to commence the snow ordinance into effect. The Police Chief/Officer

may end the prohibition on the parking prior to the expiration of the 24-hour period if the streets have been cleared.

PEDESTRIANS' RIGHTS AND DUTIES

3-3-27 **PROHIBITED CROSSING.** Pedestrians crossing a street in the business district shall cross in the crosswalks only. 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. 321.327 and Sec. 321.328)

1. Main Street at the intersection of Center Street will be designated as a pedestrian crossing intersection. (Added by Ordinance No. 93-1)

3-3-28 **PEDESTRIANS ON LEFT.** Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided pedestrians at all times when walking on or along a roadway, shall walk on the left side of the roadway.

(Code of Iowa, Sec. 321.326)

METHOD OF PARKING

3-3-29 **STANDING OR PARKING CLOSE 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 inches of the curb or edge of the roadway except as 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)

3-3-30 **STANDING OR PARKING ON THE LEFT-HAND SIDE OF 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 inches of the curb or edge of the roadway except as provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

3-3-31 **SIGNS OR MARKINGS INDICATING ANGLE PARKING.** The Mayor or the Mayor's designee, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. Angle or diagonal parking shall be permitted only on the following locations.

(Code of Iowa, Sec. 321.361)

1. Center Street on the west side from Jefferson Street to Washington Street.
2. Illinois Street on the west side from Main Street to Washington Street.

3. Main Street on the south side from Michigan Street to Center Street.
4. Main Street on the north side from Center Street to Illinois Avenue.
5. Main Street on the south side from Illinois Avenue to Woodlawn Avenue.
6. Washington Street on the south side from Center Street to Illinois Street.

3-3-32 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. 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 the signs and markings.

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

3-3-33 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

(Code of Iowa, Sec. 321.358)

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk.
6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.
7. 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.
8. 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 signposted.
9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.

11. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.
12. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary in obedience to traffic regulations or traffic signs, or signals of a police officer.
13. At any place where official signs or curb markings prohibit stopping, standing or parking.
14. Within ten (10) feet of the crosswalk at all intersections within the City.
15. In an alley under any fire escape at any time.
16. Theaters, Hotels, and Auditoriums. 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)
17. Controlled Access Facility Approach. On the minor street approach for a distance of thirty-five (35) feet in advance of the stop sign or on the exit side of the minor street for a distance of thirty-five (35) feet of any controlled access facility.
18. Parking or Terrace. Upon the parking or terrace, designated as that area between the curb line and the sidewalk line, where curbing has been installed.

3-3-34 **AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING.** When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the Chief of Police may cause curbings to be painted with a yellow or orange color and erect "no parking" or "standing" signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. It shall be unlawful for any person, other than after having first secured the permission of the Chief of Police, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

(Code of Iowa, Sec. 321.358(10))

3-3-35 **AUTHORITY TO IMPOUND VEHICLES.** Members of the police department are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to

the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the City, under the following circumstances:

1. When a vehicle is upon a roadway and 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.
2. When any vehicle is left unattended upon a street and constitutes a definite hazard or obstruction to the normal movement of traffic.
3. When any vehicle is left parked upon a street for a continuous period of forty-eight hours or more. A diligent effort shall first be made to locate the owner. If the owner is found, the owner shall be given the opportunity to remove the vehicle.
4. When any vehicle is left parked in violation of a ban on parking during a snow emergency as proclaimed by the Mayor or the Mayor's designee.

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

STOPPING, STANDING OR PARKING

3-3-36 **PARKING SIGNS REQUIRED.** Whenever by this or any other chapter of this City Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the Police Chief to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.236)

3-3-37 **PARKING DURING 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 or the Mayor's designee 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 through the duration of the snow or ice storm and the forty-eight hour period after cessation of the storm except as above provided upon streets which have been fully opened.

The ban shall be of uniform application and the Chief of Police and/or City Administrator/Clerk 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 or the Mayor's designee shall proclaim a snow emergency and the Police Chief and/or City

Administrator/Clerk shall inform the news media to publicize the proclamation and the parking rules under the emergency. Such emergency may be extended or shortened when conditions warrant.

(Code of Iowa, Sec. 321.236)

3-3-38 ALL-NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any of the following, named streets, for a period of time longer than thirty minutes between the hours of 2:30 a.m. and 6 a.m. of any day.

1. Center Street from Jefferson Street to Washington Street with exception of full time residents or patrons of the lodging facility. Snow ban will still apply.
2. Illinois Street from Jefferson Street to Washington Street.
3. Main Street from Michigan Street to Woodlawn Avenue.
4. Washington Street from Center Street to Illinois Street.

3-3-39 NO PARKING ZONES. No one shall stop, stand, or park a vehicle in any of the following specifically designated no parking zones excepts 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. Washington Street on the north side from Illinois Street to Woodlawn Avenue.
2. Highway #175 on the south side from Lloyd Street to Wayne Street.
3. Jefferson Street on the north side from Illinois Street to 66 feet east of Illinois Street.
4. Woodlawn Avenue on both sides from Main Street (Iowa 175) to the south corporate line.
5. East side of Central Street between North Street and Adams Street.
6. Highway #175 from Hancock Street/County Road N-41 east to Harbow Street.
7. Highway #175 on the north side from Hancock Street/County Road N-41 east to Harbow Street shall allow parallel parking of light vehicles only. This amendment does not allow the parking of commercial vehicles in this designated area. Signage shall read "No Trucks."
8. Earl Street on the east side, 148 feet north of Monroe Street to Jefferson Street.

9. Earl Street on the east side 161 feet south of the centerline of Highway #175 then extending further south 14 feet.

3-3-40 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 pick-up, light delivery or panel delivery trucks.

(Code of Iowa, 1981, Sec. 321.236(1))

1. Livestock. No such vehicle containing livestock shall be parked on any street, alley, or highway for a period of time of more than thirty (30) minutes.
2. All Night. No such vehicle shall be left unattended or parked upon any street or alley for a period of time longer than one (1) hour, beginning one (1) hour after sunset until one (1) hour before sunrise without having displayed warning lights or having placed lighted flares, either of which must be plainly visible for a distance of three hundred (300) feet in front of and behind said vehicle.
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 nine o'clock (9:00) PM and seven o'clock (7:00) AM 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 services, and then in no event for more than thirty (30) minutes.
4. Business Districts. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the prohibited area, no person shall park or leave unattended such vehicle, on any of the streets adjacent to or forming the public square of the City of Lake City. When actually receiving or delivering merchandise or cargo such a vehicle shall be stopped or parked in a manner which will not interfere with other traffic.

3-3-41 FIFTEEN MINUTE PARKING ZONES. It shall be unlawful to park any vehicle for a continuous period of more than fifteen (15) minutes upon the following designated streets.

(Code of Iowa, 1975, Sec. 34.236(1))

1. Illinois Street, on the east side from Jefferson Street to a point one-hundred fifty (150) feet north of Jefferson Street.

3-3-42 THIRTY MINUTE PARKING ZONES. It shall be unlawful to park any vehicle for a continuous period of more than fifteen (15) minutes upon the following designated streets.

1. Illinois Street, on the east side from Jefferson Street to a point thirty-five (35) feet south of Jefferson Street.

3-3-43 HANDICAPPED PARKING. The following regulations shall apply to the establishment and use of handicapped parking spaces.

1. Nonresidential Buildings and Facilities. All public and private buildings and facilities, temporary and permanent, used by the general public, which are not residences and which provide ten (10) or more parking spaces shall set aside handicapped parking spaces in accordance with the following.
(Code of Iowa, Sec. 321L.5)
 - a. Municipal off-street public parking facilities or an entity providing non-residential parking in off-street public parking facilities shall provide not less than two percent of the total parking spaces in each parking facility as handicapped parking spaces, rounded to the nearest whole number of handicapped parking spaces. However, such parking shall set aside at least one handicapped parking space.
 - b. An entity providing off-street non-residential public parking facilities shall review the utilization of existing handicapped parking spaces for a one month period not less than once every twelve months. If upon review, the average occupancy rate for handicapped parking spaces in a facility exceeds sixty percent during normal business hours, the entity shall provide additional handicapped parking spaces as needed.
 - c. An entity providing off-street non-residential parking as a lessor shall provide a handicapped parking space to an individual requesting to lease a parking space, if that individual possesses a permanent handicapped identification device issued in accordance with section 321L.2.
 - d. A new non-residential facility in which construction has been completed on or after July 1, 1991, providing parking to the general public shall provide handicapped parking spaces as stipulated below.

Total Parking Space in Lot	Required Minimum Number of Handicapped Parking Spaces
10 to 25	1
25 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	*
1000 and over	**

*Two percent (2%) of total
**20 spaces plus 1 for each 100 over 1000
(Code of Iowa, Sec. 321L.5)

2. Residential Buildings and Facilities. All public and private buildings and facilities, temporary or permanent, which are residences, excluding condominiums as defined in chapter 499B, Code of Iowa, and which provide ten (10) or more parking spaces, excluding extended health care facilities, shall set aside at least one handicapped parking space for each individual dwelling unit in which a handicapped person resides.

(Code of Iowa, Sec. 104A.7)

3. Business District. With respect to any on-street parking areas provided by the city within the business district, not less than two percent of the total parking spaces within each business district shall be designated as handicapped parking spaces.

(Code of Iowa, Sec. 321L.5 (4))

4. Other Spaces. Any other person may set aside handicapped parking spaces on the person's property provided each parking space is clearly and prominently designated as a handicapped parking space.

(Code of Iowa, Sec. 321L.5 (3e))

5. Prohibited Parking. No person shall park a motor vehicle not displaying a handicapped identification device, displaying such a device by not being used by a handicapped person, or in violation of the rules adopted under section 321L.8 of the Code of Iowa in any handicapped parking space located on either public or private property.

(Code of Iowa, Sec. 321L.4 (2))

MISCELLANEOUS DRIVING RULES

3-3-44 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-45 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of this City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

3-3-46 CARELESS DRIVING. No person shall intentionally operate a motor vehicle on a street or highway in any one of the following ways.

(Code of Iowa, Sec. 321.277A)

1. Creating or causing unnecessary tire squealing, skidding, or sliding upon acceleration or stopping.
2. Simulating a temporary race.
3. Causing any wheel or wheels to unnecessarily lose contact with the ground.
4. Causing the vehicle to unnecessarily turn abruptly or sway.

3-3-47 **PARKING FOR CERTAIN PURPOSES PROHIBITED.** No person shall park a vehicle upon the roadway for the principal purpose of:

1. Displaying such vehicle for sale.
2. Displaying advertising.
3. Selling merchandise from the vehicle except in a duly established market place or when so authorized or licensed under the Ordinances of this City.
4. Storage or as junk or dead storage for more than forty-eight hours.
5. Repairing. For commercial washing, greasing, or repairing such vehicle except such repairs as are necessary by an emergency.

3-3-48 **DRIVING THROUGH FUNERAL OR OTHER PROCESSION.** No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

3-3-49 **DRIVERS IN A PROCESSION.** Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

3-3-50 **FUNERAL PROCESSIONS TO BE IDENTIFIED.** A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department.

3-3-51 **LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS.** When signs are erected giving notice thereof, no person shall operate any vehicle licensed in excess of the amounts specified on the signs at any time upon any of the following streets within the City and none other: None.

3-3-52 PERMITS FOR EXCESS SIZE AND WEIGHT. The police chief may, upon application in writing 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 city ordinance over those streets 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)

3-3-53 TRUCK ROUTES.

1. Definition of Motor Vehicle. A motor vehicle for purposes of this section means every vehicle which is self-propelled which shall include all self-propelled farm equipment and tractors.
2. Every motor vehicle licensed for twelve tons or more, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading, shall travel over or upon the following streets within the City and none other:
 - a. Main Street (Highway 175)
 - b. Woodland Avenue
 - c. County Road No. N41
 - d. Front Street
 - e. Sixth Street
 - f. Franklin Street
 - g. Garfield Street from north city limits to the north edge of Goins Memorial Park; then turning south along the west edge of Goins Memorial Park and continuing south to the city limits.
 - h. Concrete road to Yetter past the Lake City Cemetery.
3. Any motor vehicle licensed for twelve tons or more, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading, shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from the designated route.

4. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

3-3-54 VEHICULAR NOISE.

1. It shall be unlawful for any person to make, continue or cause any disturbing, excessive or offensive noise which results in discomfort or annoyance to any reasonable person of normal sensitivity by means of radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in a motor vehicle.
2. The operation of any radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in such a manner so as to be audible at a distance of two hundred (200') from the motor vehicle shall constitute evidence of a prima facie violation of this section.
3. The sounding of any horn or signaling device used on any automobile, motorcycle, or other vehicle on any street or public place of the City, except as danger warning; the creation of means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any signaling device when traffic is for any reason held up, is unlawful. The causing of loud engine noise through too rapid acceleration or deceleration of any motor vehicle is unlawful.

3-3-55 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.

3-3-56 ENGINE AND COMPRESSION BRAKES.

1. It shall be unlawful for the driver of any vehicle to use or operate or 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 that results in excessive, loud, unusual or explosive noise from such vehicle.
2. The usage of an engine brake, compression brake or mechanical exhaust device designed to aid in braking or deceleration in such a manner so as to be audible at a distance of three hundred feet (300') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

3-3-57 TAMPERING WITH VEHICLE. It is unlawful for any person, either individually or in association with one or more other persons, to willfully injure or tamper with any vehicle or break or remove any part of parts of or from a vehicle without the consent of the owner.

(Code of Iowa, Sec. 321.78)

3-3-58 OPEN CONTAINER OF ALCOHOLIC BEVERAGE, WINE, OR BEER ON STREETS AND HIGHWAYS. A person driving a motor vehicle shall not knowingly possess in a motor vehicle upon a public street or highway an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage, wine, or beer with the intent to consume the alcoholic beverage, wine, or beer while the motor vehicle is upon a public street or highway. Evidence that an open or unsealed receptacle containing an alcoholic beverage, wine, or beer was found during an authorized search in the glove compartment, utility compartment, console, front passenger seat, or any unlocked portable device and within the immediate reach of the driver while the motor vehicle is upon a public street or highway is evidence from which the court or jury may infer that the driver intended to consume the alcoholic beverage, wine, or beer while upon the public street or highway if the inference is supported by corroborative evidence. However, an open or unsealed receptacle containing an alcoholic beverage, wine, or beer may be transported at any time in the trunk of the motor vehicle or in some other area of the interior of the motor vehicle not designed or intended to be occupied by the driver and not readily accessible to the driver while the motor vehicle is in motion.

(Code of Iowa, Sec. 321.284)

3-3-59 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 he is operating.

BICYCLE REGULATIONS

3-3-60 DEFINITIONS. For the purpose of this Chapter the following terms are defined:

1. "Bicycles" shall mean either of the following:
 - a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.
 - b. A device having two or more wheels with fully operable peddles and an electric motor less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour.

(Code of Iowa, Sec. 321.1) (Amended in 2008)

3-3-61 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, 1981, Sec. 321.236(10))

3-3-62 **TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES.** 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 drivers of vehicles by the laws of this State regarding rules of the road applicable to vehicles or by the traffic Ordinances of this City applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians.

3-3-63 **RIDING ON BICYCLES.** A person propelling a bicycle shall not ride other than astride a permanent and regular seat.

No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

3-3-64 **RIDING ON ROADWAYS AND BICYCLE PATHS.** Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

3-3-65 **SPEED.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-66 **EMERGING FROM ALLEY OR DRIVEWAY.** The operators 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 the sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

3-3-67 **CARRYING ARTICLES.** No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars.

3-3-68 **TOWING.** It shall be unlawful for any person riding a bicycle to be towed or to tow any person other vehicle upon the streets of the city.

3-3-69 **FOLLOWING FIRE TRUCK.** No person riding a bicycle shall follow a fire truck or other fire equipment at any time.

3-3-70 **IMPROPER RIDING.** No person shall ride a bicycle in an irregular or reckless manner such as zig-zigging, stunting, speeding or otherwise so as to disregard the safety of the operation of others.

3-3-71 **PARKING.** Bicycles shall be parked upon the roadway of a street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

3-3-72 **RIDING ON SIDEWALKS.** No person shall ride a bicycle on a sidewalk within a business district during business hours.

When signs are erected on a sidewalk or roadway prohibiting the riding of bicycles on the sidewalk or roadway, no person shall disobey such signs.

Whenever a person is riding a bicycle upon a sidewalk, the person shall yield the right of way to any pedestrian and shall give a timely audible signal before overtaking and passing a pedestrian.

3-3-73 **LAMPS AND OTHER EQUIPMENT ON BICYCLES.** Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type that is visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

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

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

3-3-74 **SCHEDULED FINE.** The scheduled fine for bicyclists violating these regulations is ten dollars (\$10.00). (Code of Iowa, Sec. 805.8(2j))

3-3-75 **SPECIAL PENALTY.** Any person violating the provisions of this article may, in lieu of the scheduled fine or standard penalty provided for violations of the Code of Ordinances, suffer his 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.

SNOWMOBILES

3-3-76 SNOWMOBILE DEFINED. For use in this chapter the term “snowmobile” shall mean any self-propelled vehicle weighing less than one thousand (1000) pounds which utilizes wheels with low pressure tires and is designed to operate on land or ice or is equipped with sled-type runners or skis, endless belt-type tread, or any combination thereof, and is designed for travel upon snow, land, or ice, except any vehicle registered as a motor vehicle under state law.

(Code of Iowa, 1981, 321.G.1 (2))

3-3-77 PERMITTED AREAS OF OPERATION. Snowmobiles will be allowed to operate in the City as follows:

Snowmobiles may be operated on streets within the city limits which are not secondary county roads and state primary highways, and which provide the shortest and most direct route to/from the corporate limits.

3-3-78 REGULATIONS. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.
2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.
3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
4. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.
5. Without having such snowmobile registered as provided for by Iowa Statute except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.
6. Within the right-of-way of any public street or alley within the City unless the operator shall have a valid driver's license; or an instruction permit and accompanied by a qualified licensed driver.
7. Speed. Snowmobiles shall not be operated on streets at a speed in excess of that posted not at any time at a rate of speed greater than reasonable and proper under all existing circumstances.
8. Intoxicated. No person shall operate a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

(Code of Iowa, 1981, Sec. 321.G.13 (3))

9. Lights. No person shall operate a snowmobile without a lighted headlight and taillight when required for safety.

(Code of Iowa, 1981, Sec. 321.G.13 [4])

10. Flag. No snowmobile shall be operated upon a street without displaying a flag with an area of not less than six (6) by nine (9) inches of fluorescent orange color on a staff holder to put such flag at least five (5) feet above the surface of the street.

(Code of Iowa, 1981, Sec. 321.G.13 [9])

11. Direct Crossing. A snowmobile may make a direct crossing of a prohibited street or highway provided.

(Code of Iowa, 1981, Sec. 321.G.9 [2])

- a. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing; and
- b. The snowmobile is brought to a complete stop before crossing the shoulder or main traveling way of the street or highway;
- c. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

12. Minors 12 to 16 Years of Age. A snowmobile shall not be operated on or across a public highway by a person under sixteen years of age who does not have in his possession a safety certificate issued to him pursuant to chapter 321.G of the Iowa Code.

Any person twelve to fifteen years of age and possessing a valid safety certificate must be accompanied by and under the direct supervision of a responsible person of at least eighteen years of age who is experienced in snowmobile operation and who possesses a valid operator's or chauffeur's license, instruction permit, restricted license or temporary permit issued under chapter 321 of the Iowa Code or a safety certificate issued under chapter 321 .G of the Iowa Code.

(Code of Iowa, 1981, Sec. 321G.9 [6])

13. Minors Under Twelve. No owner or operator of any snowmobile. shall permit any person under twelve years of age to operate nor shall any person less than twelve years of age operate, the snowmobile except when accompanied on the same snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile operation and who possesses a valid operator's or chauffeur's license, instruction permit, restricted license or temporary permit

issued under Chapter 321 of the Iowa Code or a safety certificate issued under Chapter 321G of the Iowa Code.

(Code of Iowa, 1981, Sec. 321G.20)

14. Thaw Ban. Snowmobiles shall not be operated during a publicized thaw ban in areas posted to prohibit such operation.

15. Nursery. No snowmobile shall be operated in any tree nursery or planting in a manner which damages or destroys growing stock.

(Code of Iowa, 1981, Sec. 321G.13[S])

16. Railroad Right-of-Way. No snowmobile shall be operated upon a railroad right-of-way except as provided by state law.

(Code of Iowa, Sec. 321G.13 [8J])

17. Firearms. No person shall operate or ride in any snowmobile with any firearm in his possession unless it is unloaded and enclosed in a carrying case, or any bow unless it is unstrung or enclosed in a carrying case.

(Code of Iowa, Sec. 321G.13 [11J])

18. Violation of "Stop" Signal. It shall be unlawful for any person, after having received from any peace officer to come a visual or audible signal to a stop, to operate a snowmobile in willful or wanton disregard of such signal or interfere with or endanger the officer or any other person or vehicle, or increase his speed or attempt to flee or elude the officer.

(Code of Iowa, Sec. 321.17)

3-3-79 NEGLIGENCE. The owner and operator of any snowmobile shall be liable for any injury or damage occasioned by the negligent operation of such snowmobile.

(Code of Iowa, Sec. 321G.18)

3-3-80 EMERGENCIES. Snowmobiles may be operated on prohibited streets or highways 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])

3-3-81 ACCIDENT REPORTS. Whenever any snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to two hundred dollars (\$200.00) or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. The operator shall file a report of the accident within forty-eight (48) hours, in accordance with state law.

(Code of Iowa, Sec. 321G.10)

3-3-82 EQUIPMENT REQUIRED. All snowmobiles operated within the City shall have the following equipment:

1. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass or similar device on said vehicle.
2. Adequate brakes in good operating condition and at least one headlight and one taillight in good operating condition.
3. A safety or so-called "dead-man" throttle in operating condition; a safety or "dead-man" throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from the driving track.

3-3-83 UNATTENDED VEHICLES. It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or the key left in the ignition.

3-3-84 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit the operation of snowmobiles within the right-of-way of the public roads, streets or alley or other City property within the City when the public safety and welfare so requires.

3-3-85 TRAFFIC REGULATION. Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the City authorized to direct or regulate traffic.

PENALTIES AND PROCEDURE

3-3-86 ARREST OR CITATION. Whenever a police officer has reasonable cause to believe that a person has violated and provision of this chapter such officer may:

1. Immediate Arrest. Immediately arrest such person and take him 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 and deliver the original and a copy to the courts where the defendant is to appear, two copies to the defendant and retain the fifth copy for the record of the city.

(Code of Iowa, 1981, Sec. 805.6 and 321.485)

3-3-87 NOTICE OF FINE PLACED ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any Ordinance of this City or State law, the officer finding such vehicle shall prepare a notice of parking fine giving the registration number, and other identifying information to such

vehicle in a conspicuous place and directing the driver of the vehicle to appear within thirty days, or to pay the local scheduled fine.

3-3-88 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any prosecution charging a violation of any parking Ordinance or State law governing the standing, stopping, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such Ordinance or law, together with proof that the defendant named in the complaint was at the time of such parking violation the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

3-3-89 PARKING VIOLATIONS: ALTERNATE. Admitted violations of any parking restrictions imposed by this chapter may be charged upon a simple notice of a fine of twenty (20) dollars payable at the office of the city administrator/clerk. If such fine is not paid within seventy-two (72) hours, a complaint may be filed as provided by Chapter 804 of the Code of Iowa.

(Amended by Ordinance 94-1)
(Code of Iowa, Sec. 321.236(1a))

3-3-90 FAILURE TO PAY PARKING CITATIONS. If a violator of the restrictions on stopping, standing, or parking under the parking Ordinances of this City or of State law fails to make payment of the scheduled fine as specified on a parking citation affixed to such motor vehicle within the thirty (30) days, the City shall send the owner of the motor vehicle to which the parking citation was affixed a letter informing the owner of the violation and warning that in the event the penalty is not paid within five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

TITLE III COMMUNITY PROTECTION

CHAPTER 4 SOUTH CENTRAL CALHOUN SCHOOL

3-4-1	Purpose	3-4-6	Parking Violations – Vehicle
3-4-2	Area Covered by this Section		Unattended
3-4-3	School Board Request	3-4-7	Presumption in Reference to Illegal
3-4-4	Traffic Flow		Parking
3-4-5	Parking Regulations	3-4-8	Penalty
		3-4-9	Issuance of Citation

3-4-1 **PURPOSE.** The purpose of this article is to provide for an orderly traffic flow and parking system in the Lake City School Parking lot in response to a request of the South Central Calhoun School Board, and to provide penalties for violation of same.

3-4-2 **AREA COVERED BY THIS SECTION.** This section covers the parking lot at the South Central Calhoun School which is located in blocks 3, 4, 9, 10, 15, and 16 of West View Addition to Lake City, Iowa.

3-4-3 **SCHOOL BOARD REQUEST.** It has been requested by the South Central Calhoun School Board that the city pass an ordinance prescribing the traffic flow and parking and to provide adequate access for fire and other emergency vehicles.

3-4-4 **TRAFFIC FLOW.** It is hereby designated that the traffic flow through the parking lot shall be one way and that vehicles must enter from the west and exit to the north and it shall be unlawful for any vehicle to enter the High School Parking Lot from the north or exit from the west of said parking lot.

3-4-5 **PARKING REGULATIONS.** It shall be unlawful for any vehicle to park in any place in the South Central Calhoun School parking lot other than in those parking spaces designated by painted lines. It shall also be unlawful for any vehicle to be parked across any painted line.

3-4-6 **PARKING VIOLATIONS – VEHICLE UNATTENDED.** When a vehicle is parked in violation of this article and the driver is not present, the Notice of Fine or Citation shall be attached to the vehicle in a conspicuous place.

3-4-7 **PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.** In any proceeding charging a parking violation under this article 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. Vehicle. The particular vehicle described in the information was parked in violation of this article, and

2. Owner. The defendant named in the information was the registered owner at the time in question.

3-4-8 PENALTY. Any violation of this article shall be punishable by a fine of two (2) dollars, which if paid directly to the City Administrator/Clerk within seventy-two (72) hours of receiving the citation will not involve additional court costs. If said fine is not paid the city shall turn the matter over to the county magistrate for processing.

3-4-9 ISSUANCE OF CITATION. Any police officer of the city is hereby authorized to issue citations for any violation of this article.

TITLE III COMMUNITY PROTECTION

CHAPTER 5 FIRE PROTECTION

3-5-1	Establishment and Purpose	3-5-9	Department Rules
3-5-2	Organization	3-5-10	Constitution
3-5-3	Qualifications	3-5-11	Accidental Injury Insurance
3-5-4	Training	3-5-12	Liability Insurance
3-5-5	Compensation	3-5-13	Calls Outside the City
3-5-6	Election of Officers	3-5-14	Mutual Aid
3-5-7	Oath	3-5-15	Authority to Cite Violations
3-5-8	Fire Chief: Duties	3-5-16	Emergency Ambulance Service

3-5-1 **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)

3-5-2 **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])

3-5-3 **QUALIFICATIONS.** In no case shall any person be recruited, selected or appointed as a member of the department unless such person:

1. **Resident Citizen.** Is a citizen of the United States and a resident of the fire district served by the department living within a 5-mile radius of the City limits.
2. **Age.** Is at least twenty-one (21) years of age and not exceeding forty-five (45) years of age (Ord. 02-1 - Jun. 02 Supp.)
3. **Driver's License.** Has a current active Iowa driver's license.
4. **Language.** Is able to read and write the English language.
5. **Alcohol and Drugs.** Is not a drug addict or a drunkard.
6. **Character.** Is of good moral character.
7. **Weight.** Is of a weight proportional to height as determined by an examining physician.

8. Vision. Has an uncorrected vision of not less than 20/100 in either eye; color vision. correctable to 20/20 and normal
9. Hearing. Has normal hearing in each ear as determined by an examining physician.
10. Health. Prior to appointment, and each four years thereafter, has been examined by a physician to determine' if free from physical, emotional or mental condition which might adversely affect the performance of duties.

3-5-4 TRAINING. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the chief.

(Code of Iowa, 1981, Sec. 372.13[4])

3-5-5 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, 1981, Sec. 372.13[4])

3-5-6 ELECTION OF OFFICERS. The department shall elect a chief and such other officers as their constitution and by-laws may provide, but the election of chief shall be subject to the approval of the council. In case of absence of the chief the officer next in rank shall be in charge and have and exercise all the powers of chief.

3-5-7 OATH. The fire chief, before entering upon the duties of his office, shall qualify for office by taking the oath prescribed by Section 1-1.0201 of the Code of Ordinances.

3-5-8 FIRE CHIEF: DUTIES. The fire chief shall have the following powers and duties.

(Code of Iowa, 1981, Sec. 372.14(4))

1. General. Perform all duties required of the fire chief by law or ordinance.
2. Enforce Laws. Enforce all ordinances and, where enabled, state laws regulating the following:
 - a. Fire prevention.
 - b. Maintenance and use of fire escapes.
 - c. The investigation of the cause, origin and circumstances of fires.
 - d. The means and adequacy of exit in case of, fire from halls, theatres, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose.

- e. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.
- 3. 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.
- 4. 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.
- 5. Notification. Whenever death, serious bodily injury, or property damage in excess of Two Hundred Thousand Dollars (\$200,000) has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal's Division immediately. For all 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)
- 6. Right of Entry. Have the right, during reasonable hours and upon consent of the occupant, to enter any building or premises within his jurisdiction for the purpose of making such investigation or inspection which under law or ordinance he may consider necessary to be made and is reasonably necessary to protect the public health, safety and welfare.
(Code of Iowa, Sec. 100.12)
- 7. Recommendation. Make such recommendations to owners, or managers of buildings necessary to occupants, caretakers eliminate fire hazards.
(Code of Iowa, Sec. 100.13)
- 8. Assist State Fire Marshal. At the request of the state fire marshal, and as provided by law, aid said marshal in the performance of his duties by request of the law, aid said investigating, preventing and reporting data pertaining to fires.
(Code of Iowa, 1981, Sec. 100.4)
- 9. Records. Cause to be kept records of the fire department personnel, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.
- 10. 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 requested by the mayor or council.

3-5-9 DEPARTMENTAL RULES. The fire chief shall establish such rules, not in conflict with this code and subject to the approval of the council, as may be necessary for the operation of the department including rules governing the following:

1. Rules of Conduct. The conduct and activity of members of the department during duty hours.
2. Communication. The procedures, used and care of the radio and other communication systems.
3. Training. The nature, time and attendance requirements for in-service training of members of the department.
4. Emergencies. Temporary rules for the protection and functioning of the department as may be necessary in the event of an emergency until such rules may be considered by the council.
5. Other. Such other rules as may be deemed necessary and advisable in assuring efficient and proper performance of the duties of the department.
6. Penalties. The penalties which may be imposed for violation of established departmental rules by members.

3-5-10 CONSTITUTION. The company shall adopt a constitution and by-laws as they deem calculated to accomplish the object contemplated, and such constitution and by-laws and any change or amendment to such constitution and by-laws before being effective, must be approved by the council.

3-5-11 ACCIDENTAL INJURY INSURANCE. The council shall contract to insure the city against liability for workmen's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer firemen injured in the performance of their duties as firemen whether within or outside the corporate limits of the city. All volunteer firemen shall be covered by the contract.

(Code of Iowa, 1981, Sec. 85.2, 85.61 and Sec. 410.18)

3-5-12 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, 1981, Sec. 613A.2 & 517A.1)

3-5-13 CALLS OUTSIDE THE CITY. The department shall answer calls to fires and other emergencies outside the city limits if the fire chief determines that such emergency exists and that such action will not endanger persons and property within the city limits.

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

3-5-14 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 City Administrator/Clerk.

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

3-5-15 AUTHORITY TO CITE VIOLATIONS. Fire officials acting under the authority of Chapter 100 of the Iowa Code may issue citations in accordance to Chapter 805 of the Iowa Code, for violations of state and/or local fire safety regulations.

3-5-16 EMERGENCY AMBULANCE SERVICE. The department is authorized to provide emergency ambulance or rescue services and the accidental injury and liability insurance provided for herein shall include such operation.

TITLE III COMMUNITY PROTECTION

CHAPTER 6 FIRE PREVENTION CODE

3-6-1	Fire Prevention Code	3-6-7	Liquefied Petroleum Gas
3-6-2	Code on File		Restricted
3-6-3	Enforcement	3-6-8	Amendments
3-6-4	Definition	3-6-9	Modifications
3-6-5	Explosives Prohibited	3-6-10	Appeals
3-6-6	Class I Liquids Prohibited	3-6-11	Abatement

3-6-1 **FIRE PREVENTION CODE.** The Fire Prevention Code, 1970 Edition , Abbreviated, recommended by the American Insurance Association, save and except such portions as are hereinafter deleted, modified or amended by Section 2 .2-2.08 shall apply within the city limits.

3-6-2 **CODE ON FILE.** An official copy of the Fire Prevention Code as adopted, and a certified copy of the adopting ordinance, are on file in the office of the City Administrator/Clerk.
(Code of Iowa, 1981, Sec. 372.13 (4) and 380.10)

3-6-3 **ENFORCEMENT.** The Fire Prevention Code shall be enforced by the chief of the fire department.

3-6-4 **DEFINITION.** The following terms or words as used in the Fire Prevention Code, 1970 Edition, shall have the following meanings:

1. "Chief of Bureau of Fire Prevention": shall mean the Chief of the Fire Department.
2. "Garages": as used in Article 9 shall mean any building, shed or enclosure used as a place of business for the purpose of servicing or repairing any motor vehicle therein.
3. "Municipality": shall mean the city.

3-6-5 **EXPLOSIVES PROHIBITED.** The storage of explosives and blasting agents is prohibited in all areas of the city, except the following zone districts.
(Fire Prevention Code, 1970 Abbreviated Ed., Sec. 53b)

1. Agriculture.
2. Industrial.

3-6-6 CLASS I LIQUIDS PROHIBITED. Storage of Class I liquids in outside above-ground tanks is prohibited in the following zoning districts.

(Fire Prevention Code, 1970 Abbreviated Ed., Sec. 74a)

1. Single Family Residential.
2. Mixed Residential.

3-6-7 LIQUIFIED PETROLEUM GAS RESTRICTED. Bulk storage of liquefied petroleum gas is restricted in all areas of the city, except the following districts.

(Fire Prevention Code, 1970 Abbreviated Ed., Sec. 114)

1. Agriculture.
2. Industrial.

3-6-8 AMENDMENTS. The Fire Prevention Code is amended and changed in the following respects:

1. Deletions. The following shall be deleted from the Code.
 - a. Special Permit Requirements, Sections 17, 21, 31, 41, 52, 72, 82, 91, 102, 109.lb, 112, 132, 142, 151, 160a, and 172.
 - b. In Section 55i delete the words "Designated routes shall be followed".

3-6-9 MODIFICATIONS. The chief of the fire department shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Fire Prevention Code, provided that the spirit of the Fire Prevention Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department. One signed copy of the decision of the chief of the fire department shall be furnished the applicant, and one signed copy shall be filed in the office of the City Administrator/Clerk.

3-6-10 APPEALS. Whenever the chief of the fire department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the Fire Prevention Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the council within thirty (30) days from the date of such decision.

(Constitution of Iowa, Article I, Sec. 9)

3-6-11 ABATEMENT. If a condition exists which is in violation of the Fire Prevention Code the city may require the abatement of such condition under the procedure established in Title III, Chapter 1, Article 2 of the city code.

(Code of Iowa, 1981, Sec. 364.12 [3c &h])

TITLE III COMMUNITY PROTECTION

CHAPTER 7 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

3-7-1	Definitions	3-7-7	Obstruction of Pedestrian of Vehicular Traffic
3-7-2	Exemptions	3-7-8	Display of Permit
3-7-3	Permits	3-7-9	Permit Not Transferable
3-7-4	Requirements	3-7-10	Revocation of Permit
3-7-5	Hours of Solicitation	3-7-11	Appeal
3-7-6	Consumer Protection Law	3-7-12	Effect of Revocation

3-7-1 **DEFINITIONS.** For use in this chapter, the following terms are defined as follows:

1. A "peddler" is any person carrying or transporting 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. A "solicitor" is any person who solicits or attempts to solicit from house-to-house or upon public streets orders for commercial goods, wares, subscriptions, publications, periodicals, merchandise, or services to be delivered or fulfilled at a future date.

For the purposes of this chapter, "solicitor" does not include a person who contacts another person at such person's residence without prior invitation to enlist support for or against, or solicit funds for patriotic, philanthropic, charitable, political, or religious purposes, whether or not there is an incidental purpose involving the sale of some goods or service.

3. A "transient merchant" includes every merchant, whether an individual person, a firm, corporation, partnership, or association, who brings or causes to be brought within the municipality any goods, wares, or merchandise of any kind, nature, or description, with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares, or merchandise. Temporary association with a local merchant, dealer, trader, or auctioneer, for conducting such transient business in connection with, as part of, or in the name of any local merchant, dealer, trader, or auctioneer, does not exempt any such person, firm, or corporation from being considered a transient merchant.

The provisions of this chapter shall not be construed to apply to persons selling at wholesale to merchants, nor to persons running a huckster wagon, or selling or

distributing livestock feeds, fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or their employees.

3-7-2 EXEMPTIONS. The provisions of this chapter shall not apply to nonprofit civic, charitable, religious, or educational groups engaged in retail sale for the purposes of fund raising.

3-7-3 PERMITS. Before any person or organization engages in any of the practices defined herein, they must comply with all applicable Ordinances, and must also obtain from the City Administrator/Clerk a permit in accordance with the provisions of sections 3-7-4 and 3-7-5. This permit shall extend no longer than sixty days. The following permit fees shall be paid to the City Administrator/Clerk prior to the issuance of any permit.

(Code of Iowa, Sec. 9C.2)

1. Solicitors, Peddler or Transient Merchants.
 - a. For one day: \$10.00
 - b. For one week: \$20.00
 - c. For up to six (6) months: \$30.00
 - d. For one year or major part thereof: \$50.00

3-7-4 REQUIREMENTS. Any applicant engaged in any activity described in 3-7-1 of this chapter must file with the Police Department an application in writing that gives the following information:

1. Name and social security number.
2. Permanent and local addresses and, in case of transient merchants, the local address from which proposed sales will be made.
3. A brief description of the nature of the sales method.
4. Name and address of the firm for or on whose behalf the orders are solicited, or the supplier of the goods offered for sale.
5. Length of time for which the permit is desired.
6. A statement as to whether or not the applicant has been convicted of any crime, and if so, the date, the nature of the offense, and the name of the court imposing the penalty.
7. Motor vehicle make, model, year, color, and registration number, if a vehicle is to be used in the proposed solicitation.

8. An application fee of fifteen dollars (\$15.00) shall be paid at the time of filing such an application to cover the cost of investigating the facts stated therein.

3-7-5 HOURS OF SOLICITATION. No person may conduct those activities described in Section 3-7-1 except between the hours of 8:00 AM and 6:00 p.m. on each day, and no solicitation shall be done on Sundays or legal holidays.

3-7-6 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the State law, Section 555A.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service and, comply with the other requirements of the law.

3-7-7 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC. No person, while engaged in any of the practices described in Section 3-7-1, shall block or obstruct the path of any pedestrian or vehicular traffic, or block or obstruct any way of ingress or egress to roads, buildings, or other enclosures or conveyances, including, but not limited to, vehicles, elevators, and escalators.

3-7-8 DISPLAY OF PERMIT. Each solicitor or peddler shall at all times while doing business in this City keep in his or her possession the permit provided for in Section 3-7-3 of this Chapter, and shall, upon the request of prospective customers, exhibit the permit as evidence that he or she has complied with all requirements of this Chapter. Each transient merchant shall display publicly the permit in his or her place of business.

3-7-9 PERMIT NOT TRANSFERABLE. Permits 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.

3-7-10 REVOCATION OF PERMIT. The City Administrator/Clerk or Police Chief after notice and hearing, may revoke any permit issued under this Ordinance where the permittee in the application for the permit or in the course of conducting his or her business has made fraudulent or incorrect statements or has violated this Ordinance or has otherwise conducted business in an unlawful manner.

3-7-11 APPEAL. If the City Administrator/Clerk revokes, or refuses to issue, a license he shall make a part of the record his reasons therefor. The licensee, of the applicant, shall have a right to a hearing before the council at its next regular meeting. The council may reverse, modify, or affirm the decision of the City Administrator/Clerk by a majority vote of the council members present and the City Administrator/Clerk shall carry out the decision of the council.

3-7-12 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this article for a period of one year from the date of the revocation.

TITLE III COMMUNITY PROTECTION

CHAPTER 8 ALCOHOLIC BEVERAGES

3-8-1	Purpose	3-8-3	Action by Council
3-8-2	Required Obedience to Provisions of this Chapter and State Law	3-8-4	Transfers

3-8-1 **PURPOSE.** The purpose of this chapter is to provide for administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer, wine, and liquor, for the protection of the safety, health, and general welfare of this community.

(Code of Iowa, Sec. 364.1)

3-8-2 **REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW.** The following sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors from Licensee or Permittee
3. 123.22 State Monopoly
4. 123.28 Open Alcoholic Beverage Containers
5. 123.30 Liquor Control Licenses - Classes
6. 123.31 Application Contents
7. 123.33 Records
8. 123.34 Expiration - License or Permit
9. 123.35 Simplified Renewal Procedure
10. 123.36 Liquor Fees - Sunday Sales
11. 123.38 Nature of Permit or License - Surrender - Transfer
12. 123.39 Suspension or Revocation of License or Permit - Civil Penalty
13. 123.40 Effect of Revocation
14. 123.44 Gifts of Liquors Prohibited
15. 123.46 Consumption in Public Places - Intoxication - Right to Chemical Test -
Notifications - Exoneration
16. 123.47 Persons Under Legal Age - Penalty
17. 123.49 Miscellaneous Prohibitions
18. 123.50 Criminal and Civil Penalties
19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
20. 123.52 Prohibited Sale
21. 123.90 Penalties Generally
22. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social
Gatherings
23. 123.122 through 123.145 Beer Provisions (Division II)
24. 123.150 Sunday Sales Before New Year's Day

- 25. 123.171 through 123.182 Wine Provisions (Division V)
- 26. 321.284 Open Containers in Motor Vehicles - Drivers
- 27. 321.284A Open Containers in Motor Vehicles - Passengers

3-8-3 ACTION BY COUNCIL. The City Council shall approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa Alcoholic Beverages Division for further action as provided by law.

(Code of Iowa, Sec. 123.32(2))

3-8-4 TRANSFERS. The City Council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and the transfer will not result in the violation of any law or Ordinance. An applicant for a transfer shall file with the application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred.

(Code of Iowa, Sec. 123.38)

TITLE III COMMUNITY PROTECTION

CHAPTER 9 SOCIAL HOST

3-9-1	Purpose	3-9-5	Prohibitions
3-9-2	Definitions	3-9-6	Exceptions
3-9-3	Juvenile Host	3-9-7	Enforcement
3-9-4	Affirmative Duties	3-9-8	Penalties

3-9-1 **PURPOSE.** Lake City intends to protect the interest, welfare, health, and safety within Lake City by prohibiting the services to and consumption of alcoholic beverages by person under the age of twenty-one (21) at unsupervised parties on private property where alcohol is consumed by minors, are harmful to the minors themselves and to the community where such parties are held. Law Enforcement's ability to abate gatherings where alcohol is consumed by minors on private property will result in a decrease in abuse of alcohol by minors, physical altercations and injuries, neighborhood vandalism, and excessive noise disturbances thereby improving public safety. Problems associated with such gatherings are difficult to resolve unless Law Enforcement has the legal authority to direct the host to disperse the group. Control of large parties, gatherings, or events on private property where minors are consuming alcohol is necessary when such activity is determined to be a threat to the peace, health, safety, or general welfare of the public. In addition, Law Enforcement officers frequently have been required to make calls to a location of a party, gathering, or event in order to disperse uncooperative participants, causing a drain of manpower and resources and in some cases, leaving other areas of the City with inadequate protection. Based on these findings, the City Council has deemed it necessary to enact the following regulations in Lake City.

3-9-2 **DEFINITIONS.** For the purpose of this ordinance, the following terms have the following meanings.

1. **Alcohol.** "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
2. **Alcoholic beverage.** "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half or one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
3. **Emergency Responders.** "Emergency Responders" means firefighters, law enforcement officers, emergency medical service personnel, and other personnel having emergency response duties.

4. Enforcement Services. "Enforcement Services" means the salaries and benefits of emergency responders for the amount of time actually spent responding to or remaining at an event, gathering, or party and administrative costs attributable to the incident; the actual costs for medical treatments for any injured emergency responder, and the costs of repairing any damage to equipment or vehicles.
5. Event. Gathering. Party. "Event, gathering or party" means any group of three (3) or more persons who have assembled or gathered together for a social occasion or other activity.
6. Juvenile. "Juvenile" means a person under the age of eighteen (18).
7. Legal Age. "Legal Age" means twenty-one (21) years of age or more.
8. Parent. "Parent" means any person having legal custody of a juvenile: (1) as a natural parent, adoptive parent, or step-parent; (2) as a legal guardian; (3) as a person to whom legal custody has been given by order of the court; or (4) a person who has assumed care of juvenile through an arrangement for youth exchange.
9. Person. "Person" means any individual, partnership, corporation, or any association of one or more individuals.
10. Possession or Control. "Possession or control" means actual possession or constructive possession based on facts, which permit the inference of intent to possess or control of alcoholic beverages.
11. Premises. "Premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, other dwelling unit, hall or meeting room, garage, barn, park, tent, camper/RV, or any other place conducive to assembly, public or private, whether occupied on a permanent or temporary basis, whether occupied as a dwelling or specifically for an event, gathering, or party, and whether owned, leased, rented or used with or without permission or compensation.
12. Public Place. "Public place" means the same as defined in Iowa Code section 123.3(27).
13. Social Host. "Social Host" means any person (see Section 1(I)) who allows, organizes, supervises, controls or permits an event, gathering, or party. This includes, but is not limited to: (1) the person(s) who owns, rents, leases, or otherwise has control of the premises where the event, gathering, or party takes place; (2) the person(s) in charge of the premises; or (3) the person(s) responsible for organizing the event, gathering, or party.

14. Underage Person. "Underage person" means any person under the age of twenty-one (21).

3-9-3 JUVENILE HOST. This ordinance does not apply to a social host who is a juvenile, however, if the social host is a juvenile and the parent(s) of the juvenile knows or reasonably should know of the event, gathering, or party and know or reasonably should know that the consumption of alcohol is occurring, the parent(s) shall be liable for violations of the Ordinance.

3-9-4 AFFIRMATIVE DUTIES. It is the duty of the social host of an event, gathering, or party to take all reasonable steps to prevent alcoholic beverages from being possessed or consumed by underage persons on the premises. Reasonable steps include, but are not limited to:

1. Controlling underage persons' access to alcoholic beverages.
2. Controlling the quantity of alcoholic beverages.
3. Verifying the age of persons being served, in the possession of, or consuming alcoholic beverages at the event, gathering, or party by inspecting driver's licenses or other government-issued identification cards.
4. Supervising the activities of underage persons at the party, and
5. Notifying law enforcement of underage possession or consumption of alcoholic beverages, and allowing law enforcement to enter the premises for the purpose of stopping the possession or consumption by underage persons.

3-9-5 PROHIBITIONS. It is unlawful for any social host of an event, gathering, or party on the social host's premises to knowingly permit or allow underage person to consume alcoholic beverages, or knowingly permit or allow underage person to possess alcoholic beverages on the premises, whether or not the social host is present on the premises. A social host has an affirmative defense if the social host took reasonable steps to prevent the possession or consumption of alcohol, or notified law enforcement and allowed law enforcement to enter the premises for the purpose of stopping illegal activities.

3-9-6 EXCEPTIONS.

1. This ordinance shall not apply:
 - a. Conduct solely between an underage person and his or her parents while present in the parent's household.
 - b. Legally protected religious observances, or
 - c. Situations where underage person are lawfully in possession of alcoholic beverages during the course and scope of employment.

2. The exceptions outlined in 3-9-6 (1) shall not apply under circumstances in which the underage person leave the home, religious gathering, or place of employment and subsequently violates Iowa Code Section 123.46(2), Consumption or Intoxication in Public Spaces.

3-9-7 ENFORCEMENT. The provisions of this Ordinance shall be enforced by the law enforcement agencies of this City. The Lake City Police Department shall have primary, but not exclusive responsibility for this Ordinance.

3-9-8 PENALTIES

1. Violations of Section I are declared to be City ordinance infractions, punishable by civil penalty. A seven-hundred, fifty dollar (\$750.00) civil penalty shall be imposed for a social host's first offense. A one-thousand dollar (\$1,000.00) civil penalty shall be imposed for II social host's second or subsequent offense. The City may also seek reimbursement for enforcement services provided by emergency responders related to the event, gathering, or party.
2. In determining if a violation is a second or subsequent offense, conviction for violation of this section, Iowa Code Section 123.47, or an ordinance of any city or county in the State of Iowa that substantially corresponds

TITLE III COMMUNITY PROTECTION

CHAPTER 10 CIGARETTE LICENSE

3-10-1	Definitions	3-10-6	Refunds
3-10-2	Permit Required	3-10-7	Persons Under Legal Age
3-10-3	Application	3-10-8	Permit Suspension and Revocation
3-10-4	Fees	3-10-9	Effect of Revocation
3-10-5	Issuance and Expiration		

3-10-1 **DEFINITIONS.** For use in this chapter the following terms are defined:

1. "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. Provided the definition herein shall not be construed to include cigars.
(Code of Iowa, Sec. 453A.1)
2. "Retailer" means and includes every person in this state who shall sell, distribute, or offer for sale for consumption or possess for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products irrespective of quantity or amount or the number of sales.
(Code of Iowa, Sec. 453A.1)
3. "Place of business" means and includes any place where cigarettes are sold or where cigarettes are stored within or without the state of Iowa by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business.
(Code of Iowa, Sec. 453A.1)
4. "Tobacco Products" means cigars; little cigars as defined in Iowa Code section 453A.42, subsection 5; cheroots; stogies; periques; granulated; plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff, snuff flour; 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 both for chewing and smoking; but does not mean cigarettes.
(Code of Iowa, Sec. 453A.1)

3-10-2 **PERMIT REQUIRED.** It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell or solicit the sale of any

cigarettes within the City without a valid permit for each place of business. The permit shall be displaced publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

3-10-3 APPLICATION. A completed application on forms provided by the State Department of Revenue and Finance and accompanied by the required fee shall be filed with the City Administrator/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 (5))

3-10-4 FEES. The fee for retail cigarette permit shall be as follows:

(Code of Iowa, Sec. 453A.13 (3))

<u>FOR PERMITS GRANTED DURING:</u>	<u>FEE:</u>
July, August, or September	\$75.00
October, November, or December	\$56.25
January, February or March	\$37.50
April, May or June	\$18.75

3-10-5 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall described clearly the place of business for which it is issued and shall be nonassignable. All permits expired on June 30 of each year.

(Code of Iowa, Sec. 453A.13 (3))

3-10-6 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(4) of the Code of Iowa.

(Code of Iowa, Sec. 453A.13 (4))

3-10-7 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age.

(Code of Iowa, Sec. 453A.2 (1))

3-10-8 PERMIT SUSPENSION AND REVOCATION. If a retailer or employee of a retailer violates the provisions of Section 3-10-7, the Council shall, after written notice and hearing, and in addition to the standard penalty, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.

2. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this paragraph.
3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500) and the retailer's permit shall be suspended for a period of thirty (30) days.
4. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500) and the retailer's permit shall be suspended for a period of sixty (60) days.
5. For a fifth violation within a period of four (4) years, the retailer's permit shall be revoked.

The City Administrator/Clerk shall report the suspension or revocation of a retail permit under this section to the Iowa Department of Public Health within thirty (30) days of the suspension or revocation of any retail permit.

(Code of Iowa, Sec. 453A.22 (2))

3-10-9 EFFECT OF REVOCATION. 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 City Council.

(Code of Iowa, Sec. 453A.22 (5))

TITLE III COMMUNITY PROTECTION

CHAPTER 11 SIDEWALK DISPLAYS

3-11-1	License Required	3-11-5	Transfer of License Prohibited
3-11-2	Persons entitled to be Licensed	3-11-6	Specification Requirements and Regulations
3-11-3	License Fee	3-11-7	Violation
3-11-4	Revocation of License		

3-11-1 **LICENSE REQUIRED.** It shall be unlawful for any person to display any merchandise on the public sidewalks without having a license as herein provided.

3-11-2 **PERSONS ENTITLED TO BE LICENSED.** Any person who satisfies the conditions prescribed for a license, and satisfies the council that his operation does not and will not endanger the public welfare, order or safety shall be entitled to a license upon filing of proper application and paying the full fee required.

3-11-3 **LICENSE FEE.** The initial fee shall be five (\$5.00) dollars per annum, and shall be renewable every year thereafter, for the fee of five (\$5.00) dollar.

3-11-4 **REVOCATION OF LICENSE.** The council, after giving licensee reasonable notice and a fair hearing, may revoke any license issued for failure to continue to meet the requirements set forth in this article.

3-11-5 **TRANSFER OF LICENSE PROHIBITED.** In no case shall a license issued hereunder be transferred to another person or to be used for purposes other than that for which it was issued.

3-11-6 **SPECIFIC REQUIREMENTS AND REGULATIONS.** Applicants for a license hereunder shall comply with the following requirements and regulations:

1. **Area Used.** Applicant must agree in his application to occupy no portion of the public sidewalk other than the following:
 - a. Sidewalk that adjoins his building premises.
 - b. That portion of the sidewalk which is adjacent to his building and is no greater than one-third (1/3) of the distance from the building to the curb.
2. **Liability.** The applicant must agree in his application to hold the city harmless from any in his liability arising in connection with the sidewalk display and to indemnify the city for any judgment rendered against it in connection with said sidewalk display.

3. Insurance. The application must annually furnish the city with a copy of an insurance contract clearly stating liability coverage for the sidewalk display or in the alternative a letter from the applicant's insurance agent verifying that there is coverage in effect covering the sidewalk display and specifying the amount of the coverage.

3-11-7 VIOLATION. It shall be deemed a violation of this article for any person issued a license hereunder to maintain a sidewalk display which is outside of the portion of the sidewalk which is adjacent to the permit holder's building or greater than one-third (1/3) of the width of the sidewalk from the building to the curb.

TITLE III COMMUNITY PROTECTION

CHAPTER 12 JUNK AND ABANDONED VEHICLES

3-12-1	Purpose	3-12-8	Proceeds from Sales
3-12-2	Definitions	3-12-9	Duties of Demolisher
3-12-3	Removal of Abandoned Vehicles	3-12-10	Junk Vehicles Declared a Nuisance
3-12-4	Notification of Owners and Lienholders	3-12-11	Junk and Junk Vehicles Prohibited
3-12-5	Impoundment Fees and Bonds	3-12-12	Notice to Abate
3-12-6	Hearing Procedures	3-12-13	Abatement by Municipality
3-12-7	Auction or Disposal of Abandoned Vehicles	3-12-14	Collection of Cost of Abatement
		3-12-15	Exceptions
		3-12-16	Interference with Enforcement

3-12-1 **PURPOSE.** The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places.

(Code of Iowa, Sec. 3641.1)

3-12-2 **DEFINITIONS.** For the purpose of this chapter, the following terms are defined as follows:

1. "Police Authority" shall mean the Iowa highway safety patrol or any law enforcement agency of the County or City.
2. "Private property" means any real property within the City which is not public property as defined in this section.
3. "Public property" means any public right-of-way open for the purposes of vehicular travel.
4. "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, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and shall include without limitation a motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.
5. "Abandoned vehicle" means any of the following:
 - a. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which render the vehicle inoperable; or unsafe or

- b. A vehicle that has remained illegally on public property for more than twenty-four hours; or
- c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or
- d. A vehicle that has been legally impounded by order of the police authority and has not been reclaimed for a period of ten days; or
- e. Any vehicle parked on the street determined by the police authority to create a hazard to other vehicular traffic.

(Code of Iowa, Sec. 321.89(1) (b))

However a vehicle shall not be considered abandoned for a period of five (5) days if its owner or operator is unable to move the vehicle and notifies the policy authority responsible for the geographical location of the vehicle and requests assistance in the removal of the vehicle.

- 6. “Demolisher” means a person licensed under Section 321H of the Code of Iowa whose business it is to convert a vehicle to junk, process scrap, or scrap metal, or otherwise to wreck or dismantle vehicles.

(Code of Iowa, Sec. 321.89)

- 7. “Junk” means all old or scrap copper brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel, or other old or scrap ferrus materials; old or discarded glass, tin ware, 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.

- 8. A "junk vehicle" means any vehicle legally placed in storage with the County Treasurer, or licensed or unlicensed, located within the corporate limits and which has any one of the following characteristics:

- a. Any vehicle with a broken or cracked windshield, or window or headlight or any other cracked or broken glass.
- b. Any vehicle with a broken or loose fender, door, bumper, hood, door, handle, window handle, running board, steering wheel, trunk top, trunk handle, or tail pipe.
- c. Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects.

- d. Any motor vehicle if it lacks an engine or two or more wheels or any structural parts which render said motor vehicle totally inoperable.
- e. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.
(Cedar Falls v. Flett 330 N.W. 2nd 251, 253, Iowa 1983)

3-12-3 REMOVAL OF ABANDONED VEHICLES. Different wording from current code

- 1. The police authority may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-12-2 (1). The police authority may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.
- 2. The impoundment and storage of all vehicles pursuant to this chapter shall be in such areas or places designated by the City Council.
- 3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the police authority, shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.
(Code of Iowa, Sec. 321.89(2))
- 4. Nothing in this chapter shall govern the procedures of any police officer in taking into custody and impounding any vehicle to be used or proposed to be used as evidence in a criminal case involving crimes other than violations of this chapter.

3-12-4 NOTIFICATION OF OWNERS AND LIENHOLDERS. Different wording from current code

- 1. When a vehicle is taken into custody under the provisions of this chapter or under any provisions of State law, the police authority, shall notify, within twenty (20) days, by certified mail with five-days return receipt, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:
 - a. Describe the year, make, model, and serial number of the vehicle.
 - b. Describe the personal property found in the vehicle.

- c. Describe the location of the facility where the vehicle is being held.
 - d. Inform the persons receiving notice:
 - 1) of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice;
 - 2) that the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;
 - 3) that failure of the owner or lienholders to exercise their right to reclaim the vehicle within the reclaiming period shall be deemed a waiver by the owner and all lienholders of all right, title, claim, and interest in the vehicle;
 - 4) that failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher.
 - e. 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 Chief of Police or the assessment of fees and charges provided by this chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-9-6.
 - f. State that a request for a hearing must be in writing and received by the department prior to the expiration of the ten day reclaiming period.
 - g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-9-5.
(Code of Iowa, Sec. 321.89(3) (a))
- 2. The owner, lienholders or any person receiving notice may, by written request received by the police authority prior to the expiration of the ten day reclaiming period, obtain an additional fourteen days within which the vehicle may be reclaimed.
 - 3. Notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet the requirements of this chapter. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and shall contain the same information as prescribed for mailed notice in this section. Published notice shall be used if:

- a. the identity of the last registered owner cannot be determined, or
- b. the registration contains no address for the owner, or
- c. it is impossible to determine with reasonable certainty the identity and address of all lienholders.

(Code of Iowa, Sec. 321.89(3) (b))

- 4. If the persons receiving notice do not request a hearing or exercise their right to reclaim the vehicle or personal property within the reclaiming period, the owner of the vehicle or owners of the personal property shall no longer have any right, title, claim, or interest in or to the vehicle.
- 5. No court in any case in law or equity shall recognize any right, title, claim, or interest of the owner and lienholders after the ten day reclaiming period.

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

3-12-5 IMPOUNDMENT FEES AND BOND.

- 1. Before the owner or other person lawfully entitled to possession of any vehicle that has been impounded under the provisions of this chapter or any other provision of law may recover such vehicle, such person shall present to the Chief of Police, evidence of such person's identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the costs of:
 - a. an impoundment fee of fifteen (\$15.00) dollars if claimed within five (5) days, plus five dollars (\$5.00) for each additional day within the reclaiming period.
 - b. towing charges
 - c. preservation charges
 - d. storage charges
 - e. notice charges

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

- 2. The amount of the charges specified in b-d shall be set by resolution of the City Council. The notice charges shall be limited to the actual cost.
- 3. If a hearing is requested under Section 3-9-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:

- a. the fees required by Section 3-9-5(1)
- b. the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

3-12-6 HEARING PROCEDURES.

1. The registered owner, any lienholder of record, or duly authorized agents thereof, may object to the legality of the impoundment or the assessment of fees and request a hearing thereon. No person shall be entitled to more than one hearing on each impoundment. Upon receipt of a timely objection to the impoundment, the objector shall be informed of the reason for the impoundment and a hearing shall be held, without unnecessary delay, before the City Council pursuant to 1-4-1 at seq.

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

3-12-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The City shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

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

3-12-8 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost towing, preserving, storing, and notification required, in accordance with state law. Any balance shall be held for the owner of the motor vehicle or entitle lienholder for ninety (90) days, and then shall be deposited in the reimbursement fund of the Iowa Department of Public Safety. 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 public safety.

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

3-12-9 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle, or otherwise demolish a vehicle until the demolisher has obtained junking certificate issued for the vehicle.

(Amended by Ordinance No. 95-4) (Code of Iowa, Sec. 321.90(3a))

3-12-10 JUNK VEHICLES DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of Lake City, Iowa, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation. Different wording from current code

3-12-11 JUNK AND JUNK VEHICLES PROHIBITED. It is unlawful for any person to store, accumulate, or to allow to remain on public property or any property in the person's control, any junk or junk vehicle. This offense is a simple misdemeanor punishable by a maximum of thirty

(30) days in jail or one hundred dollars (\$100.00) fine per vehicle. Each day that a violation occurs or is permitted to exist constitutes a repeat offense. Prior to the issuance of a citation the Police Officer will supply the offender, in writing, a description of the vehicle(s) that is in violation. The offender will then be given 24 hours to correct the problem or a citation will be issued.

3-12-12 NOTICE TO ABATE. Different wording from current code

1. Whenever the Chief of Police or Mayor if the Chief of Police is unavailable, shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-12-10, the Chief of Police shall notify, by certified mail with five days' return receipt, the following persons:
 - a. the owner of the property.
 - b. the occupant of the property.
2. The notice to abate shall:
 - a. describe, to the extent possible, the year, make, model, and color of the vehicle.
 - b. describe the location of the vehicle.
 - c. state that the vehicle constitutes a nuisance under the provisions of this chapter.
 - d. state that the owner of the property shall remove or repair the said junk vehicle within ten days.

3-12-13 ABATEMENT BY MUNICIPALITY. 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 City Administrator/Clerk who shall pay such expenses on behalf of the municipality.

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

3-12-14 COLLECTION OF COST OF ABATEMENT. The City Administrator/Clerk shall mail a statement of the total expense incurred 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 City Administrator/Clerk shall certify the costs to the County Treasurer and the costs shall then be collected with, and in the same manner, as general property taxes.

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

3-12-15 EXCEPTIONS. This chapter shall not apply to the following: Different wording from current code

1. Junk or junk vehicles in an enclosed building.
2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefor, as authorized under the Zoning Ordinance or restricted residence district of this City, when necessary to the operation of said business enterprise.
3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by this City.

3-12-16 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

TITLE III COMMUNITY PROTECTION

CHAPTER 13 DRUG PARAPHERNALIA

3-13-1 Definitions

3-13-3 Prohibition

3-13-2 Exemption

3-13-1 **DEFINITIONS.** As used in this Section, "drug paraphernalia" means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

1. Manufacture a controlled substance.
2. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
3. Test the strength, effectiveness, or purity of a controlled substance.
4. Enhance the effect of a controlled substance.

(Code of Iowa, Sec. 124.414)

3-13-2 **EXEMPTION.** "Drug paraphernalia" does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

(Code of Iowa, Sec. 124.414)

3-13-3 **PROHIBITION.** It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

(Code of Iowa, Sec. 124.414)

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

4-1-1	Definitions	4-1-10	Tethering of Animals
4-1-2	Prohibited Animals	4-1-11	Annoyance or Disturbance
4-1-3	Immunization	4-1-12	Number of Animals
4-1-4	Abandonment	4-1-13	Unhealthful or Unsanitary Conditions Regulated
4-1-5	Neglect, Injuries, and Cruelty to Animals	4-1-14	Kennels
4-1-6	Animals Running At-Large, Leash Law	4-1-15	Pigeon and Dove Lofts
4-1-7	Owner's Duty	4-1-16	Peace Officer's Right Euthanize
4-1-8	Confinement	4-1-17	Disposition of the Other Animals
4-1-9	Damage to Property or Interference	4-1-18	Interference with Enforcement

4-1-1 **DEFINITIONS:** For use in this chapter, the following terms are defined:

1. Abandon means failure to provide adequate care for a period of twenty-four (24) hours or to cease to provide control over and shelter, food and water for an animal without having made satisfactory arrangements for care, custody and physical control of such animal.
2. Adequate food means providing at suitable intervals of not more than twenty-four (24) hours if the dietary requirement of the species so require, a quantity of wholesome foodstuff, suitable for the physical condition and age of the animal, served in a clean container, sufficient to maintain an adequate level of nutrition for such animal.
3. Adequate shelter means a structurally sound and weatherproof shelter made up of solid sides, a roof and a floor off the ground, which provides access to shade from direct sunlight and protection from exposure to weather conditions.
4. Adequate sanitation means cleaning or sanitizing of enclosures and housing facilities to remove excreta and other waste materials and dirt so as to minimize health hazards, flies and odors.
5. Adequate space means primary enclosures and housing facilities constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement to maintain physical condition. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress or abnormal behavior patterns.

6. Adequate veterinary care means prompt and reasonable care provided to a sick, diseased or injured animal with a proper program of continuing care by a veterinarian or euthanized in a manner deemed appropriate by the City.
7. Adequate water means reasonable access to a supply of clean, fresh, potable water, provided in a sanitary manner.
8. Animal means any living creature, domestic or wild, except a human being.
9. Animal acts or exhibitions means any display containing one or more live animals that are exposed to public view for entertainment, instruction, or advertisement.
10. At Large means found off the premises of his owner or custodian, not on a leash or under the control of a competent person.
11. Dog shall mean both male and female animals of the *Canis Familiaris* species regardless of sex and whether altered or not.
12. Cat shall mean both male and female animals of the feline species regardless of sex.
13. Euthanasia means the humane destruction of an animal accomplished by a method that involves instantaneous and immediate death or a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during the loss of consciousness.
14. Kennel means any lot, building, structure, enclosure, or premises where five (5) or more dogs or five or more cats over the age of twelve (12) months are kept or maintained for any purpose.
15. Guard/attack dog means a dog trained to attack persons upon command of its master or custodian or upon the actions of an individual.
16. Leash means a rope, line, chain or other similar restraint, not more than ten (10) feet in length, or a retractable leash of not more than twenty-five feet when fully extended, of sufficient strength to hold the animal in check.
17. Livestock means any domestic animal commonly raised solely for food or commerce, and shall include, but not be limited to any cattle, horses, swine of all varieties including "potbellied pigs", sheep, llamas, goats, guinea fowl, ostriches, emus, poultry (chickens, turkeys, geese, and ducks) or other similar animals or fowl or any other animals not commonly considered to be household pets, and bees kept for any purpose.
18. Molest includes not only biting or scratching a human or other animal, but also

any annoyance, interference with or meddling with any such human or animal.

19. Owner means any person or persons, firm, association, or corporation owning, keeping, sheltering, or harboring an animal.
20. Pet shop means any place of business or other commercial establishment where animals are bought, sold, exchanged, or offered for sale.
21. Pigeon or dove loft means any cage, loft or enclosure or combination thereof where five (5) or more pigeons or doves are kept or maintained.
22. Private property areas means all buildings or other property owned by a private person, including buildings yards and service and parking.
23. Public property means buildings, streets, parks, parking lots, right of way, or other public property owned or dedicated to the use of the City and other governmental agencies.
24. Wild, Exotic, or Dangerous Animal mean:
 - a. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition; and which is capable of killing inflicting serious injury upon, or causing disease among human beings or domestic animals and having known tendencies as species to do so;
 - b. Any animal declared to be dangerous by the County Board of Health, City Council, or any other governing body.
 - c. All wild animals indigenous to the State of Iowa as defined in Chapter 481A, Code of Iowa as amended.
 - d. The following animals shall be deemed to be dangerous per se:
 - 1) Cats, including lions, tigers, jaguars, leopards, cougars, lynx, and bobcats, except those species of cat falling within the categories of ordinarily domesticated house cats; wolves, coyotes and foxes; gorillas, orangutans, baboons, monkeys, and chimpanzees; bats; alligators and crocodiles; venomous spiders, scorpions,; all snakes and reptiles that are venomous, constrictors, or any non-venomous snake over ten (10) feet in length; Gila monsters.
25. Vicious animal means any animal, that without provocation, bites, attacks humans or any other animals, or in a vicious or terrifying manner approaches any person or other animal in an apparent attack posture, whether or not the attack is consummated; or any dog that has been trained for dog/animal fighting, or any

dog that is kept as a guard or attack dog except as otherwise provided by State or Local law; or any animal that has been deemed vicious by the Council, County Board of Health, City Council, or any other governing body.

4-1-2 PROHIBITED ANIMALS: No person shall harbor, keep, or shelter within the City as a pet, or act as temporary custodian for such an animal, or harbor, keep, or shelter any livestock, vicious animal, or wild, exotic or dangerous animal, or any other animals that tend to disrupt the peace and good order of the community except as provided in this section:

1. Wild, Exotic, or Dangerous Animal Exceptions: The prohibition contained in this section shall not apply to keeping of dangerous animals in the following circumstances:
 - a. The keeping of wild, exotic, or dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show.
 - b. The keeping of wild, exotic, or dangerous animals in a bona fide, licensed veterinary hospital or animal shelter for treatment or boarding.
 - c. Any wild, exotic, or dangerous animals under the jurisdiction of and in the possession of the Department of Natural Resources or Calhoun County Conservation Department, pursuant to Chapters 109 and 109 A of the Code of Iowa.
2. Vicious Animal Exceptions: The prohibition contained in this section shall not apply to the keeping of vicious animals that are under the control of a law enforcement or military agency.
3. Livestock Exception: Livestock may be kept in areas of the City zoned for Agricultural purposes.
 - a. Urban Chickens
 - 1) Urban chickens raised for production of eggs or meat shall be authorized on tracts of land containing one single-family dwelling occupied and used as such. Only female chickens (hens) are allowed, with the maximum number of chickens allowed at six (6).
 - 2) Chickens must be kept in an enclosure or fenced area at all times, and secured within a henhouse or chicken tractor during non-daylight hours. The pen/coop shall be located at least two (2) feet from the property line and at least twenty-five (25) feet from any adjacent residential dwelling, church, school or place of business; and shall not be in the front yard of the dwelling.

- 3) All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored on the tract of land. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.
 - 4) Odors from chickens, chicken manure or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land. In addition, noise from chickens shall not be loud enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity.
 - 5) Chickens shall be provided with access to feed and clean water at all times. All grains and food shall be stored in rodent proof containers. Necessary action shall be taken to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
 - 6) Prior to commencement of operations, a permit must be obtained from City Hall as a means of providing the applicant with regulations pertaining to chickens and authorizing the right for city section of chicken facilities. Permit will require adjoining neighbors to be notified and to sign permit verifying acceptance of chicken facilities in their neighborhood. There shall be no permit fee.
4. Disposition of Livestock, Wild Exotic, or Dangerous Animals, or Vicious Animals:
- a. Any livestock, or wild, exotic, or dangerous animal found in the City of Lake City in violation of this Ordinance is subject to immediate seizure and impoundment as public nuisance per se. The animal may be placed in the care of a facility, licensed by the state, with the ability to properly care for the animal. If no such facility can be contacted within a reasonable time, or if for any reason, the animal cannot be safely captured and held humanely, in the interest of the public safety and the welfare of the animal, it may be euthanized immediately without prior notice to the owner thereof. The City and its agents shall be under no duty or obligation to capture or otherwise confine the animal.
 - b. The animal's owner shall be responsible for all costs and expenses incurred by the City that arise as a result of the seizure and impoundment of livestock, a wild, exotic, or dangerous animal or vicious animal.

4-1-3 IMMUNIZATION. It is unlawful for any person to own, keep or harbor a cat, dog or ferret over six (6) months of age, which has not been currently vaccinated against rabies. Any dog, cat, or ferret acquired by a resident of the City shall be vaccinated for rabies by a licensed veterinarian within 30 days after such acquisition or when said animal reaches the age of 6 months, whichever occurs later. Every cat, dog, or ferret which is over 6 months of age, shall wear a collar with a valid rabies vaccination tag attached to the collar when found to be at large.

1. Cats, dog, and ferrets shall be licensed by their owners through the procedure by which the rabies vaccination tag and certificate are obtained. The rabies vaccination tag and certificate shall be the license required to this chapter.
2. The owner of any dog, cat, or ferret within the City which is subject to vaccination in accordance with the provisions of this chapter shall have such dog, cat, or ferret vaccinated against rabies by a licensed veterinarian annually or in such other way as to maintain said dog, cat, or ferret's immunity from rabies.

4-1-4 ABANDONMENT. Any owner or person having care, custody, or physical control over an animal shall not abandon the animal, except that the person may deliver the animal to another person who will accept ownership and custody, or the person may deliver the animal to an animal shelter or pound.

4-1-5 NEGLECT, INJURIES AND CRUELTY TO ANIMALS:

1. No person shall confine an animal without adequate food, adequate water, adequate shelter, adequate space, adequate sanitation, or adequate veterinary care; or fail to supply adequate food, adequate water, adequate sanitation, or adequate veterinary care to an unconfined animal owned or cared for by the person; or cause unnecessary pain and suffering to an animal by failing to adequately tend to the animal's health needs or grooming.
2. No person, having no right to do so, shall maliciously harass, torture, torment, mutilate, kill, maim, or disfigure any animal or maliciously administer poison to any such animal, or expose any poisonous substance with the intent that the same should be taken by any such animal.
3. No person shall expose any poison, poisonous meat or poisonous substance anywhere within the City. The use of poison other than one specifically produced for exterminating insects, mice, or rats shall be prima facie evidence of a violation of this section.

4-1-6 ANIMALS RUNNING AT LARGE; LEASH LAW. It shall be unlawful for the owner or custodian of any animal or fowl to fail to keep the same from running at large within the corporate limits of the city. Every animal or fowl shall be under the control of a competent person outside a structure, kennel, or wholly enclosed yard. When a competent person is not in control then the animal must be on a leash of sufficient strength to restrain the animal and to

prevent it from reaching public property and becoming a possible threat. It is the owner's responsibility to reimburse the City for boarding costs.

4-1-7 OWNERS DUTY. It shall be the duty of the owner of any 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 shall be the duty of physicians and veterinarians to report to the Calhoun County Health Department and the City of Lake City the existence of any animal known or suspected to be suffering from rabies.

4-1-8 CONFINEMENT. When a Peace Officer, Employee, City Council Member, or Mayor of the City of Lake City receives information that an animal has bitten any person or an animal that is suspected of having rabies, the owner shall be ordered to confine such animal in the manner directed. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by the City of Lake City and after ten days the City may euthanize the animal. Regardless of the disposition of the animal, the owner shall pay the cost of impoundment.

4-1-9 DAMAGE TO PROPERTY OR INTERFERENCE. No person shall fail to keep their animal from causing damage, injury, or destruction of or to any shrubbery, plants, flowers, grass, fence, or anything whatsoever upon public or private property thereby causing damage to; or from interfering with the use of the premises.

4-1-10 TETHERING OF ANIMALS. No person shall stake or otherwise tie or fasten an animal to pass onto, over, or across any public property, sidewalk, street or alley, or private property other than the property of the owner, unless the animal and competent person are on public property together ..

4-1-11 ANNOYANCE OR DISTURBANCE. It shall be unlawful for the owner of any animal to fail to keep such animal from causing serious annoyance or disturbance to any person or persons by disrupting the peace and good order of the community by making loud noises including regular, frequent, continual or habitual barking, yelping, yowling, or howling, or by running after or chasing persons, bicycles, automobiles or other vehicles.

4-1-12 NUMBER OF ANIMALS. No person shall keep or maintain at anyone location within the City more than five (5) dogs, cats, or ferrets, and of those no more than three shall be of the same species over 12 months of age. This limitation shall not apply to a bona-fide pet store in an area appropriately zoned, nor to a licensed kennel or veterinary hospital or clinic. No person shall harbor or maintain such a number of animals as to create unhealthful or unsanitary conditions for the humans or animals occupying the premises or create any other conditions constituting a nuisance.

4-1-13 UNHEALTHFUL OR UNSANITARY CONDITIONS REGULATED:

1. Solid Waste Removal. Any competent person in control of an animal on public or private property (other than the owners) shall provide for the disposal of the solid

waste material excreted by the animal by immediate removal of the waste, except for animals properly trained and certified to assist persons with disabilities while such animals are acting in such capacity.

2. Confinement area maintenance. An owner shall maintain all structures, pens, kennels, pounds, lofts, coops, or yards wherein animals are confined in a clean and sanitary condition, devoid of vermin, and free of odor arising from feces and urine.
3. Animals prohibited in food establishments. No person shall take, allow, or permit an animal to enter any building, store, restaurant, or tavern where food or food products are sold, prepared, or dispensed to humans other than the owners thereof, except for animals properly trained and certified to assist persons with disabilities while such animals are acting in such capacity, or for working dogs under the control of law enforcement or the military while acting within the scope of their duties.

4-1-14 KENNELS. Kennels are prohibited in districts zoned Residential. Kennels shall be allowed only in Agricultural, or Industrial zoned areas and must comply with State rules and regulations.

4-1-15 PIGEON AND DOVE LOFTS. Pigeon and dove lofts are prohibited in districts zoned residential. Lofts shall be allowed only in areas zoned Agricultural, or Industrial. Pigeon and dove lofts located in areas zoned residential that were in operation prior to the date of adoption of the ordinance may remain in place and in operation with a permit from the City of Lake City. After a permitted loft is abandoned, the permit is void and shall not be renewed.

4-1-16 PEACE OFFICER'S RIGHT TO EUTHANIZE. Notwithstanding any other provision of this ordinance, it shall be the right of any peace officer in the corporate limits of the City of Lake City to euthanize any animal, wild, or domestic, exclusive of whether the animal is tagged or licensed, restrained, or "At-large," the animal presents an imminent danger to himself or the citizens of the City of Lake City because the animal is ill, injured or vicious. The animal may be euthanized either by shooting it, or by other human means immediately at the officer's disposal.

4-1-17 DISPOSITION OF THE OTHER ANIMALS. If the owner of any animal apprehended, other than a dog or cat, cannot be located after a reasonable effort by local authorities, such animal may be euthanized or otherwise disposed of in accordance with the law.

4-1-18 INTERFERENCE WITH ENFORCEMENT: No person shall interfere with, hinder, willfully prevent or attempt to prevent any police officer, animal control officer, or other person authorized by the City of Lake City to enforce the provisions of the Ordinance and the referenced provisions of Code of the State of Iowa.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 LIBRARY SERVICES

5-1-1	Public Library	5-1-7	Non-Resident Use of the Library
5-1-2	Library Trustees	5-1-8	Library Accounts
5-1-3	Qualifications of Trustees	5-1-9	Annual Report
5-1-4	Organization of the Board	5-1-10	Theft
5-1-5	Powers and Duties	5-1-11	Notice Posted
5-1-6	Power to Contract with Others for the Use of the Library	5-1-12	Deposit Required

5-1-1 **PUBLIC LIBRARY.** The public library for the city shall be known as the Lake City Public Library. It shall be referred to in this chapter as the library.

5-1-2 **LIBRARY TRUSTEES.** The board of trustees of the Lake City Public Library, hereinafter referred to as the board, consists of eight (8) resident members and one (1) non-resident member. All resident members of the board are to be appointed by the mayor with the approval of the City Council. The non-resident member is to be appointed by the mayor with the approval of the City Council.

(Code of Iowa, Sec. 392.5)

5-1-3 **QUALIFICATIONS OF TRUSTEES.** All resident members of the board shall be bona fide citizens and residents of the city. The non-resident member is to be appointed by the mayor with the approval of the City Council.

5-1-4 **ORGANIZATION OF THE BOARD.**

1. **Terms of office.** All appointments to the board shall be for four (4) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third the total number as near as possible, to stagger the terms.

(Code of Iowa Sec. 336.5)

2. **Vacancies.** The position of any resident trustee shall be declared vacant if said member moves permanently from the City. The position of non-resident trustee shall be deemed vacant if such member moves permanently from the County or into the City. The position of any trustee shall be deemed vacant 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 by the City Council, and 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.

5-1-5 **POWERS AND DUTIES.** The board shall have and exercise the following powers and duties:

1. To meet and elect from its members a president, a secretary, and such other officers as it deems necessary.
(Code of Iowa Sec. 336.8(1))
2. To have charge, control and supervision of the public library, its appurtenances, fixtures and rooms containing the same.
(Code of Iowa Sec. 336.8(2))
3. To direct and control all the affairs of the library.
4. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the board voting in favor thereof.
(Code of Iowa Sec. 336.8(3))
5. To remove by a two-thirds vote of the board the librarian and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty, subject, however, to the provisions of Chapter 35C, Code of Iowa.
(Code of Iowa Sec. 336.8(4))
6. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures, stationery and supplies for the library within budgetary limits set by the board.
(Code of Iowa Sec. 336.8(5))
7. To authorize the use of the library by non-residents of the City and to fix charges therefor.
(Code of Iowa Sec. 336.8(6))
8. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with 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.
(Code of Iowa Sec. 336.8(7))
9. To have exclusive control of the expenditure of all funds allocated for library purposes by the City Council, and of all monies available by gift or otherwise for

the erection of library buildings, and of all other monies belonging to the library including fines and rentals collected, under the rules of the board.

(Code of Iowa Sec. 336.8(8))

10. 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.

(Code of Iowa, Sec. 336.8(9))

11. To keep a record of its proceedings.

12. To enforce the performance of conditions of gifts, donations, devises and bequests accepted by the City. The board shall enforce performance by taking action against the City Council.

13. To have authority to make agreements with the local County historical associations, 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.

(Code of Iowa Sec. 336.17)

5-1-6 POWER TO CONTRACT WITH OTHERS FOR THE USE OF THE LIBRARY.

1. Contracting. The board may contract with any other boards of trustees of free public libraries, any other City, school corporation, private or semi-private 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. 336.18(1))

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 (5) percent in number of electors who voted for governor in the territory of the party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party who is seeking to terminate the contract.

(Code of Iowa, Sec. 336.18(2) (a and b))

5-1-7 NON-RESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by non-residents of the City or County in any one or more of the following ways:

1. By lending the books or other materials of the library to non-residents on the same terms and conditions as to residents of the City, or upon payment of a special non-resident library fee.
2. By establishing depositories of library books or other materials to be loaned to non-residents.
3. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to non-residents.
4. By establishing branch libraries for lending books or other library materials to non-residents.
5. By entering into agreements with other libraries to allow lending of books or other library materials to non-residents.

5-1-8 LIBRARY ACCOUNTS. All money appropriated by the City Council from the general fund 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. The warrant writing officer is the City Administrator/Clerk.

5-1-9 ANNUAL REPORT. The board shall make a report to the City Council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of funds collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the City Council.

5-1-10 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)

5-1-11 NOTICE POSTED. There shall be posted in clear public view within the library a notice stating:

1. Failure to Return. Failure to return library materials for two (2) months or more after the date the person agreed to return the library materials, or failure to return library equipment for one (1) month or more after the date the person agreed to return to 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 materials 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)

5-1-12 DEPOSIT REQUIRED. If the library materials or equipment to be loaned to a person have a value of five hundred dollars (\$500.00) or more, the library shall require a deposit and shall require the borrower to enter into a written agreement setting forth the amount of the deposit, the due date and the penalties for failure to return the materials or equipment as agreed. The deposit shall be returned in full if the materials or equipment are returned without damage on or before the due date.

(Code of Iowa, Sec. 714.5)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 UTILITIES - SANITARY SYSTEM

6-1-1	Definitions	6-1-10	Sewer Extensions
6-1-2	Superintendent	6-1-11	Penalties
6-1-3	Use of Public Sewers Required	6-1-12	Use of Funds
6-1-4	Private and Semi-Public Sewage Disposal	6-1-13	Accounts Established
6-1-5	Building Sewers and Connections	6-1-14	Year End Balances
6-1-6	Abatement of Violations	6-1-15	Debt Retirement
6-1-7	Use of the Public Sewers	6-1-16	Responsibility for Increased Costs
6-1-8	Protection from Damage	6-1-17	Application
6-1-9	Powers and Authority to Inspectors	6-1-18	Liability
		6-1-19	User Charge Review

6-1-1 **DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C, expressed in milligrams per liter (MG/L) or parts per million.
2. "Building Drain" shall mean that part of the lowest horizontal piping of a 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.
(IAC 567-69.3(1))
3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
(IAC 567-69.3(1))
4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
5. "Contributor" shall mean any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.
6. "Garbage" shall mean 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" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. "Inspector" shall mean 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" shall mean any outlet into watercourse, pond, ditch, or other body of surface or groundwater.
10. "Normal Domestic Wastewater" shall mean wastewater that has a BOD concentration of not more than 200 MG/L, and a suspended solids concentration of not more than 200 MG/L.
11. "Operations and Maintenance" shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the treatment works to achieve the capacity and performance for which such works were designed and constructed.
12. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
13. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
14. "Private Sewer" shall mean a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than sixteen (16) individuals on a continuing basis.
15. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, dispensing of food that has been shredded 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 (1/2) inch (1.27 centimeters) in any dimension.
16. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
17. "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

18. "Residential Contributor" shall mean any contributor to the City's treatment works whose lot, parcel of real estate or building is used for domestic dwelling purposes only.
19. "Sanitary Sewage" shall mean 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.
20. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
21. "Semi-Public Sewage Disposal System" shall mean a system for the treatment or disposal of domestic sewage which is not a private sewage disposal system and which is not owned by a city, a sanitary sewer district, or a designated and approved management agency under Section 208 of the Federal Water Pollution Control Act.
22. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
23. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
24. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
25. "Sewer" shall mean a pipe or conduit for carrying sewage.
26. "Shall" is mandatory; "May is permissive.
27. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
28. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.
29. "Superintendent" shall mean the Superintendent of sewage works and/or of water pollution control of the City or his authorized deputy, agent, or representative.

30. "Suspended Solids (SS)" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
31. "Treatment Works" shall mean any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping power, and other equipment and their appurtenances; extension, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.
32. "Useful Life" shall mean the estimated period during which treatment works will be operated.
33. "User Charge" shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.
34. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
35. "Water Meter" shall mean a water volume measuring and recording device, furnished and/or installed by the City or furnished and/or installed by a user and approved by the City.

6-1-2 SUPERINTENDENT. The superintendent of the City sewage system shall be appointed by the City Administrator/Clerk and exercise the following powers and duties:
(Code of Iowa, Sec. 372.13(4))

1. Operations and Maintenance. He shall operate and maintain the City sewer system.
2. Inspection and Tests. He shall conduct necessary inspections and tests to assure compliance with the provisions of this chapter.
3. Records. He shall maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

6-1-3 USE OF PUBLIC SEWERS REQUIRED.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

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

3. Except as hereinafter provided, it shall be unlawful to 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 this chapter.
4. The owner of any house, building, or property 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 of the City, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, and to maintain the same, in accordance with the provisions of this Ordinance, such compliance to be completed within ninety (90) days after date of official notice from the City to do so, provided that said public sewer is within one hundred (100) feet (30.5 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 shall begin the date of official notice to connect to the public sewer.

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

(IAC 567-69.3(3))

6-1-4 PRIVATE AND SEMI-PUBLIC SEWAGE DISPOSAL.

1. Except as otherwise provided in this Section, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
2. Where a public sanitary or combined sewer is not available under the provision of Section 6-1-3(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
3. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit from the Calhoun County Board of Health, and file a copy of said permit at the City office. The application for the

permit shall be made pursuant to the Calhoun County local Board of Health Rules and Regulations, and all of such Rules and Regulations must be followed in the subsequent installation of the sewage disposal system.

4. A permit for a private or semi-public sewage disposal system shall not become effective until the installation is completed to the satisfaction of the designated officer of the Calhoun County Board of Health. Said officer shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Calhoun County Board of Health when the work is ready for final inspection, and before any underground portions are covered.
5. The type, capacities, location, and layout of a private or semi-public sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Iowa and the County Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 9,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
6. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-1-2(4), a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
(Code of Iowa, Sec. 364.12(3) (f))
7. The owner of private and semi-public sewage disposal facilities shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
8. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.
9. When a public sewer becomes available, the building sewer shall be connected at the building owner's expense, to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
(Code of Iowa, Sec. 364.12(3) (f))
10. It shall be unlawful for any person to place any effluent or waste from cesspools, septic tanks or privy vaults in any other location in the City except in such location as may be designated by the superintendent. The rate or charge for receiving such waste shall be determined by resolution of the council.

6-1-5 BUILDING SEWERS AND CONNECTIONS.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall first file with the superintendent an application therefor, on special forms furnished by the City, setting forth the location and description of the property to be connected with the sewer system and for what purpose the sewer is to be used. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$50 for a residential or commercial building sewer permit and \$50 for an industrial building sewer permit shall be paid to the City at the time the application is filed.

All permits to connect with sewer shall be given upon the express condition that the council may at any time before the work is completed revoke and annul the same and not party interested shall have a right to claim damages in consequence of any such permits being revoked or annulled.

All approved connection permits shall require the owner to complete construction and connection of the building sewer to the public sewer within thirty (30) days from the approval of the permit, except that when, in the judgment of the superintendent, a property owner on application has made sufficient showing that due to conditions beyond his control or peculiar hardship, the period of time set forth for the completion of the connection shall be inequitable or unfair to him, an extension of time within which to comply with the provisions herewith may be granted.

Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the City of Lake City and deposited with the City Administrator/Clerk a corporate surety in the sum of five thousand dollars (\$5,000.00) conditioned that the applicant will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any Ordinances of the City of Lake City pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Lake City and the owner of the premises against all damages, costs, expenses, outlay and claims of every nature and kind arising out of unskillfulness or negligence on the applicant's part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of two (2) years except that on such expiration it shall

remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

3. All cost and expense incident to the installation and connection 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.
4. Any connection to a public sewer shall be made by a plumber licensed by the City. The superintendent shall have the power to suspend the license of any plumber for violation of any of the provisions of this chapter; a suspension, unless revoked, shall continue until the next regular meeting of the council. The superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the council meeting at which he will be granted a hearing. Prior to this council meeting the superintendent shall make a written report to the council stating his reasons for the suspension, and the council, after fair hearing, shall revoke the suspension or take any further action that is necessary and proper.
5. A separate and independent building sewer shall be provided for every 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, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
6. Old building sewers may be used in connection with new building sewers only when they are found, upon examination and testing by the Superintendent, to meet all requirements of this Ordinance. The Superintendent may require that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a building sewer that is also connected to the public sewer. Cesspools and septic tanks shall be located, and drained in a manner approved by the Superintendent and removed or filled with sand, crushed rock or any other solid material approved by the Superintendent, except as exempted by the Superintendent. The fees contained in Section 6-1-4(2) shall be applicable.
7. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or applicable rules and regulations of the City. The materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and applicable portions of the Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply also.

8. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Superintendent. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification (Designation C12). No backfill shall be placed until the work has been inspected by the Superintendent or the Superintendent's representative. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
9. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
10. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. 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.
11. Each and every part of the building sewer shall be inspected and approved by the Superintendent before being concealed or back-filled. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or the Superintendent's representative.
12. Excavation 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 excavation, the earth must be laid in layers and each layer tamped thoroughly to prevent settlement, and in this work, and any street, sidewalk, pavement or other public property that is affected must be restored to as good a condition as it was previous to the excavation. The plumber must maintain the affected area in good repair to the satisfaction of the city council for three months after refilling. No excavation shall be made within six (6) feet of any laid water pipe while the ground is frozen and no water or sewer pipe shall be exposed to frost, except by special written permission of the superintendent. If the excavation is made in the road right-of-way or under a sidewalk, refilling must be with gravel rather than earth.

13. No sewer connection shall be laid so that it is exposed when crossing any watercourse. When an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron solid pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossing. 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.
14. 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.
15. 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, the property owner shall at his own expense install a "Y" saddle with mortar in the public sewer at the location specified by the superintendent. 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 his direction of such connection is approved.
16. The City shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.
17. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.
18. The Owner of the property served by a building sewer shall be responsible for the operation, maintenance, repair, blockage, surface replacement, and any damage resulting from operation, maintenance repair and blockage of said building sewer, from the point of connection with the building drain to the Public Sewer.

6-1-6 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))

6-1-7 USE OF THE PUBLIC SEWERS.

1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Applications may be cancelled and/or sewer service discontinued by the City for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:
 - a. Misrepresented in the application as to the property or fixtures to be serviced by the sanitary sewer system.
 - b. Non-payment of bills.
 - c. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.
2. Special permission for discharging surface waters to a public sanitary sewer may be issued by the City Administrator/Clerk or Public Works Superintendent upon recommendation of the superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interest of the sewer system.
3. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
4. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - b. 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) mg/l as CN in the wastes as discharged to the public sewer.

- c. 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.
 - d. Solid or viscous substances in quantities of such size capable of causing obstruction to the flow of 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.
 - e. Any water or wastes having (1) a 5-day bio-chemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight, or suspended solids, or (3) having an average daily flow greater than 2 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 (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) 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.
5. 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 prohibited are:

- a. Any liquid or vapor having a temperature higher than one hundred fifty (150) F (65 C).
- b. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150 F) (0 and 65 C).
- c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- e. 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.
- f. Any waters or wastes containing phenols or other taste-or-odor-producing substances, -in such concentrations exceeding limits which may be established by the Superintendent as necessary after treatment of the composite sewage, to meet with requirements of the State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.
- g. 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.
- h. Any waters or wastes having a pH in excess of 9.5.
- i. Materials which exert or cause:
 - 1) 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).
 - 2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

- 3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - 4) Unusual volume of flow or concentration of waters constituting "slugs" as defined herein.
- j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - k. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
 - l. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.
 - m. Any waters or wastes having (1) a five (5) day biochemical oxygen demand greater than two hundred fifty (250) parts per million by weight, or (2) containing more than two hundred fifty (250) parts per million by weight of suspended solids, or (3) having an average daily flow greater than two (2) 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 his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to two hundred fifty (250) parts per million by weight, or (2) reduce the suspended solids to two hundred fifty (250) parts per million by weight, or (3) 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 approval of the superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.
- 6. If any waters or wastes are discharged, or are proposed to be discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in 6-1-6(4), 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:

- a. Reject the wastes,
- b. Require pretreatment to an acceptable condition for discharge to the public sewers.
- c. Require control over the quantities and rates of discharge, and/or
- d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of 6-1-6(10) of this article.

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.

- 7 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:
 - a. 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.
 - b. 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.
 - c. 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.
8. 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.
9. 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.

10. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance 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 twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composite of all outfalls where pHs are determined from periodic grab samples).
11. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, therefore, by the industrial concern.

6-1-8 PROTECTION FROM DAMAGE.

1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
(Code of Iowa, Sec. 716.1)

6-1-9 POWERS AND AUTHORITY TO INSPECTORS.

1. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Superintendent or the Superintendent's 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.

2. While performing the necessary work on private properties referred to in 6-1-7(1), the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by the City employees and against liability claims and demands for personal injury or property damage asserted against the owner/company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner/company to maintain safe conditions as required in Section 6-1-5(8).
3. 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.

6-1-10 SEWER EXTENSIONS

1. “BUILDER” DEFINED. For the purpose of this article, the owner of land who causes a sanitary sewer to be installed under the provisions of this article shall be referred to as the “builder,” and such term shall mean the heirs, successors or assigns of such owner.
2. An owner of land abutting or adjoining a public street where no sanitary sewer has been installed, may make application to the council for the installation of a sanitary sewer main in said street for the purpose of serving said property in accordance with the following.
 - a. Application and Deposit. A written request for such installation, and a sum equal to the total estimated cost of such installation from the point where the sanitary sewer main is presently installed and terminates to the point where the most distinct boundary of the owner’s lot abuts the said public streets, shall be submitted to the council.
 - b. Construction. Upon receipt of the deposit, the city shall construct the said sanitary sewer main for the purpose of serving the property of applicant (builder), as soon as such construction can reasonably be accomplished.

- c. Additional Costs. In the event the actual cost to the city of the installation of the sanitary sewer is in excess of the estimated cost, the builder agrees to reimburse the city for such actual additional cost within thirty days after the presentation of a bill for such additional cost.
 - d. Lien Authorized. In the event of the failure of the builder to reimburse the city, as specified in subsection there (3) above, the total of the additional cost shall be certified to the county auditor as a special assessment lien against the builder's real estate. In his written request for installation of the sanitary sewer the landowner shall waive all objections to jurisdiction and rights to notice and consent to the entry of such a special assessment lien against the real estate.
 - e. Connecting Property. The expense of connecting the property of the builder to the sewer laid in the public street shall be borne by him, in addition to the cost of contrasting said sewer, but such connection shall be under the supervision of the city.
3. In the event an owner of land abutting or adjoining a public street in which no sanitary sewer has been installed, desires to construct said sewer at his own expense, he may do so, after making proper application to the city and receiving a permit to install such a sewer in accordance with the following.
- a. City Supervision. The installation such a sewer by a landowner at his own expense shall be under the strict supervision of the city and shall, in all ways, conform to the requirements and specifications of the city.
 - b. Surety Bond. When making application to the city for a permit to install such a sewer, the applicant shall post with the city a surety bond in an amount to be set by the council and made a matter of record in the minutes of said council which shall be an amount equal to not less than one hundred and ten percent (110%) of the total estimated cost of such installation for the full distance from the termination point of the presently existing sewer to the point where furthest boundary of the applicant's land abuts the public street, and which bond shall guarantee the installation of the sewer in as short a time as reasonably possible, and shall further indemnify the city for the cost of completing the said project in the event the applicant fails to complete the same within as reasonable time, and shall further indemnify the city for all damages to public property incurred in such installation, and shall further hold the city harmless for any all other damages arising from the installation of the said water main.
 - c. Ownership of Sewer Line. After the said sewer line has been installed, the same shall become the property of the city.

- d. Manholes. The builder or landowner shall furnish manholes, installed as part of the sanitary sewer extensions contemplated by this article, at his own expense, and the installation of such manholes shall be at such locations as the city may designate.
4. Following the installation of a sanitary sewer under the provisions of this article, owner of land abutting or adjoining to a public street in which such sewer has been installed, being persons other than the builder, shall be obliged to connect any sewerage generating facilities into said sanitary sewer, as required by 6-2-2.
5. **BUILDER REIMBURSED.** Upon receipt by the city of a connection charge in an amount equal to one-half of the actual per foot construction cost of said sewer for the full frontage of each lot connects, the city shall deduct and retain the sum of one hundred (100) dollars and shall remit to the builder the balance of said connection charge. As successive sewerage generating facilities are connected to the said sanitary sewer installation, like sums from each connection charge shall be remitted by the city to said builder, until said builder has been reimbursed for expense of such installation of sewer, less than the nonrefundable connection charge provided therein.
6. **BUILDING SEWERS INSTALLED.** Each sanitary sewer constructed in a public street or right-of-way, whether constructed by the city or by a private party shall include a stub at such location as is designated by the city to each abutting or adjoining lot line of the street or right-of-way on which the sewer is installed. Each party responsible for installing such sewer shall provide the city with an accurate map showing the location of each of such stubs within thirty (30) days of completion of the installations.

6-1-11 PENALTIES.

1. Any person found to be violating any provision of this Ordinance except Section 6-1-6 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. Any person violating any of the provisions of this Ordinance is liable to the City for any expense, loss, or damage occasioned the City by reason of such violations.

6-1-12 **USE OF FUNDS.** The user charge system shall generate adequate annual revenues to pay the costs associated with the debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system.

6-1-13 **ACCOUNTS ESTABLISHED.** The user charge collected, other than that designated for debt retirement, shall be deposited in a separate non-lapsing fund known as the Sewer Utility

Fund. Each year \$7,500.00 from this Fund shall be set aside for replacement needs. The portion of user charges collected for debt retirement shall be placed in an account known as the Sewer Revenue Sinking Fund.

6-1-14 YEAR END BALANCES. Fiscal year-end balances in these Funds shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Moneys which have been transferred from other sources to meet temporary shortages in the Sewer Utility Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance, and replacement. The user charge rates shall be adjusted such that the transferred money will be returned to their respective accounts within a reasonable time period as determined by the City Council.

6-1-15 DEBT RETIREMENT. From the charges collected under the sections above, \$1.20 per 1,000 gallons shall be designated for debt retirement.

6-1-16 RESPONSIBILITY FOR INCREASED COSTS. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment work, or any user which discharges any substances which singly or by interaction with other substances cause identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each user shall be as determined by the responsible plant operating personnel and approved by the City Council.

6-1-17 APPLICATION. The user charge rates established in this article apply to all users, regardless of their location of the City's treatment works.

6-1-18 LIABILITY. The owner of the premises served and the occupant thereof and the user of the sanitary sewer service shall be jointly and severally liable for the sewer service provided said premise.

6-1-19 USER CHARGE REVIEW. The City will review the user charge system every year, and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs and debt service among users and user classes.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 UTILITIES - WATER SYSTEM

6-2-1	Definitions	6-2-16	Failure to Maintain
6-2-2	Enforcement	6-2-17	Operation of Curb Stop
6-2-3	Adoption of State Plumbing Code	6-2-18	Water Use Metered
6-2-4	License Required	6-2-19	Fire Sprinkler Systems – Exception
6-2-5	Mandatory Connections	6-2-20	Location of Meters
6-2-6	Abandoned Connections	6-2-21	Meter Setting
6-2-7	Permit	6-2-22	Meter Repairs
6-2-8	Fee for Permit	6-2-23	Right of Entry
6-2-9	Tapping Mains	6-2-24	Meter Fee
6-2-10	Installation of Water Service Pipe	6-2-25	Construction by City
6-2-11	Water Supply Control	6-2-26	Construction by Owner
6-2-12	Excavations	6-2-27	Connection Charge
6-2-13	Inspection and Approval	6-2-28	Builder Reimbursed
6-2-14	Completion by the City	6-2-29	Rights of City
6-2-15	Maintenance Owner's Responsibility	6-2-30	Separation Distances from Wells

6-2-1 DEFINITIONS. For use in this chapter the following terms are defined.

1. “Builder” shall mean the owner of land who causes a water main to be installed under the provisions of this article shall be referred to as the “builder,” and such term shall mean the heirs, successors or assigns of such owner.
2. “Consumer” shall mean 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 obligation hereinafter imposed shall be joint and several.
3. “Estimated Cost” shall mean a cost estimate prepared by a registered professional engineer or qualified contractor experienced in the installation of water main pipe and appurtenances. All such estimates are subject to the approval of the council and in the event of any disagreement as to the amount of estimated costs, materials to be used or installation methods the determination of the council shall be final and conclusive.
4. “Superintendent” shall mean the superintendent of the city water system or his duly authorized assistant, agent, or representative.

5. “Water Main” shall mean a water supply pipe provided for public of community use.

(IAC, 470-21.2(120))

6. “Water Service Pipe” shall mean the pipe from the water main to the building served.

(IAC, 470-21.2(123))

7. “Water System” or “Water Works” shall mean all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

6-2-2 **ENFORCEMENT.** The City Administrator, with council approval, shall appoint a water superintendent. The Superintendent shall supervise the installation of water service pipes and their connections to the water main and enforce all regulations pertaining to water services in this City in accordance with this chapter. This chapter shall apply to all replacements of existing service pipes as well as to new ones. The superintendent shall make such rules, not in conflict with the provisions of this chapter, as needed for the detailed operation of the waterworks, subject to 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 City Council may be had.

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

6-2-3 **ADOPTION OF STATE PLUMBING CODE.** The installation of any water-service pipe and any connection with the municipal water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code as amended and as published by the Iowa Department of Public Health, which is hereby adopted. An official copy of the State Plumbing Code as adopted and a certified copy of this Ordinance are on file in the office of the City Administrator/Clerk for public inspection.

6-2-4 **LICENSE REQUIRED.** All installation of water service pipes and connections to the municipal water system shall be made by a competent plumber.

6-2-5 **MANDATORY CONNECTIONS.** All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water supply if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

6-2-6 **ABANDONED CONNECTIONS.** When an old 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 cock and made absolutely water tight.

6-2-7 **PERMIT.** Before any person, firm, corporation or other association shall make a connection with the public water system, a written permit must be obtained from the Superintendent. The application for the permit shall be filed with the City Administrator/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 general uses of the water. No different or additional uses shall be allowed except by written permission of the City Administrator/Clerk. The City Administrator/Clerk shall issue the permit, bearing the City Administrator's/Clerk's signature and stating the time of issuance, if the proposed work meets all the requirements of this Ordinance and if all fees required under this Ordinance have been paid. Work under any permit must be begun within six (6) months after it is issued. The City Administrator/Clerk may at any time revoke the permit for any violation of this Ordinance and require that the work be stopped. The owner or plumber may appeal such action in the manner provided in Section 6-3-3 of this Ordinance.

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

6-2-8 FEE FOR PERMIT. Before any permit is issued the person who makes the application shall pay twenty-five (25) dollars to the City Administrator/Clerk to cover the cost of issuing the permit and supervising, regulating and inspecting the work.

6-2-9 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.

1. Independent Service. 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 premise may be shut off independently of the other. (IAS, 470-30.12(3))
2. Sizes and Location of Taps. All mains six (6) inches or less in diameter shall receive no larger than a one (1) inch tap or if a larger is requested, special permission must be given and approved by the Water Superintendent. All mains of over six (6) inches in diameter shall receive no larger than a one inch tap. Where a larger connection than a one inch tap is desired, two (2) or more small taps or saddles shall be used, as the superintendent shall order. All taps in the mains shall be made at or near the top 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 Cock. A brass corporation cock, of the pattern and weight approved by the superintendent, shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one size smaller than 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 he shall require. (Code of Iowa, 1981, Sec. 372.12(4))

6-2-10 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be in accordance to the Universal Plumbing Code. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

6-2-11 WATER SUPPLY CONTROL. The plumber who makes the connection to the municipal water system shall install a main shut-off valve of the inverted key type on the water-service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

The plumber also shall install a shut-off valve and waste cock on every service pipe inside the building near the entrance of the water-service pipe into the building; this must be located so that the water can be shut off conveniently and the pipes drained. Where one service pipe is installed to supply more than one customer, there shall be separate shut-off valves inside the building for each customer so that service to one customer can be shut off without interfering with service to the others.

6-2-12 EXCAVATIONS. Excavations to do work under this Ordinance shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation the earth must be laid in layers and each layer tamped thoroughly to prevent settlement, and this work, and any street, sidewalk, pavement or other public property that is affected, must be restored to as good a condition as it was previous to the excavation. The plumber must maintain the affected area in good repair to the satisfaction of the City Council for three months after refilling. All water service pipes must be laid so as to prevent rupture by settlement or freezing. No excavation shall be made within six (6) feet of any laid water or sewer pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the Superintendent.

6-2-13 INSPECTION AND APPROVAL. All water-service pipes and their connections to the municipal water system must be inspected and approved 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 owner must proceed immediately to correct the work so that it will meet with the Superintendent's approval. Every person who uses or intends to use the municipal water system shall permit the Superintendent or the Superintendent's authorized assistants to enter the premises to inspect and make necessary alterations or repairs at all reasonable hours and on proof of authority.

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

6-2-14 COMPLETION BY THE CITY. Should any excavation be left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the City Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before the plumber can receive another permit, and the plumber's bond required by the Plumbing Ordinance shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

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

6-2-15 MAINTENANCE OWNER'S RESPONSIBILITY. All costs and expenses incident to the maintenance of the water service pipe from the main to the building served, including the corporation cock, service piping and curb stop, 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.

6-2-16 FAILURE TO MAINTAIN. When any portion of the water service 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, 1981, Sec. 364.12(3a & h))

6-2-17 OPERATION OF CURB STOP. It shall be unlawful for any person except the water superintendent or designee to turn water on at the curb stop.

6-2-18 WATER USE METERED. All water furnished consumer shall be measured though meters furnished and installed by the city.
(Code of Iowa, 1981, Sec. 384.84(1))

6-2-19 FIRE SPRINKLER SYSTEMS – EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

6-2-20 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

6-2-21 METER SETTING. The property owner shall have provided all necessary piping and fittings for proper setting of the meter including a globe type valve on the discharge side of the meter. Meter pits may be used only upon approval of the superintendent and of a design and construction approved by him.

6-2-22 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 carelessness or negligence of the consumer of property owner, of the meter is not owned by the city, then the property owner shall be liable for the cost of repairs.

6-2-23 RIGHT OF ENTRY. The superintendent shall be permitted to enter the premises of any consumer at any reasonable time to remove or change a meter.

6-2-24 METER FEE. There shall be a fee charged to the property owner for each new installation of a water meter in accordance with the schedule adopted by resolution of the council.

(Code of Iowa, 1981, Sec. 384.84(2a))

6-2-25 CONSTRUCTION BY CITY. An owner of land abutting or adjoining a public street where no water main has been installed, may make application to the council for the installation of a water main in said street for the purpose of serving said property in accordance with the following.

1. Application and Deposit. A written request for such installation, and a sum equal to the total estimated cost of such installation from the point where the water main is presently installed and terminates to the point where the most distinct boundary of the owner's lot abuts the said public streets, shall be submitted to the council.
2. Construction. Upon receipt of the deposit, the city shall construct the said water main for the purpose of serving the property of applicant (builder), as soon as such construction can reasonably be accomplished.
3. Additional Costs. In the event the actual cost to the city of the installation of the water main is in excess of the estimated cost, the builder agrees to reimburse the city for such actual additional cost within thirty days after the presentation of a bill for such additional cost.
4. Lien Authorized. In the event of the failure of the builder to reimburse the city, as specified in subsection there (3) above, the total of the additional cost shall be certified to the county auditor as a special assessment lien against the builder's real estate. In his written request for installation of the water main the landowner shall waive all objections to jurisdiction and rights to notice and consent to the entry of such a special assessment lien against the real estate.
5. Maximum Cost. The additional cost of installation, as contemplated in subsections one (1) and two (2) above, shall not exceed one hundred and ten percent (100%) of the estimated cost.
6. Connecting Property. The expense of connecting the property of the builder to the water main laid in the public street shall be borne by him, in addition to the cost of contrasting said water main, but such connection shall be under the supervision of the city.

6-2-26 CONSTRUCTION BY OWNER. In the event an owner of land abutting or adjoining a public street in which no water main has been previously installed desires to construct said water main at his own expense, he may do so, after making proper application to the city and receiving a permit to install such a water main, in accordance with the following.

1. City Supervision. The installation such a water main by a landowner at his own expense shall be under the strict supervision of the city and shall, in all ways, conform to the requirements and specifications of the city.

2. **Surety Bond.** When making application to the city for a permit to install such a water main, the applicant shall post with the city a surety bond in an amount to be set by the council and made a matter of record in the minutes of said council which shall be an amount equal to not less than one hundred and ten percent (110%) of the total estimated cost of such installation for the full distance from the termination point of the presently existing water main to the point where furthest boundary of the applicant's land abuts the public street, and which bond shall guarantee the installation of the water main in as short a time as reasonably possible, and shall further indemnify the city for the cost of completing the said project in the event the applicant fails to complete the same within as reasonable time, and shall further indemnify the city for all damages to public property incurred in such installation, and shall further hold the city harmless for any all other damages arising from the installation of the said water main.
3. **Ownership of Water Main.** After the said water main has been installed, the same shall become the property of the city.
4. **Valves Furnished by the City.** The city shall furnish main lines valves, installed as part of the water main extensions contemplated by this article, at the owners' expense, and the installation of such valves shall be at such location as the city may designate.
5. **Cost Approval.** For purposes of determining connection charges and reimbursement under the sections below, costs incurred by the owner shall be certified to the city and only so much of said costs as are approved by the city shall be used in determining connection charges and reimbursement as provided hereafter.

6-2-27 CONNECTION CHARGE. Following the installation of an extension to the water system under provision this article there shall be paid to the city a connection charge in an amount equal to one half (1/2) the lineal construction cost for the full width of any lot, or the used portion of an tract by a connection to such water main. Such connection charge shall be paid to the city prior to making any connection to said water main.

6-2-28 BUILDER REIMBURSED. Upon receipt by the city of any connection charges under Section 6-1.0406 above, the city shall deduct and retain an amount equal to one half (1/2) the lineal construction cost for the portion of the builder's property served by the water main and shall then remit to the builder the balance of such connection charges until said builder has been reimbursed for the expense of such installation less cost attributable to the property of the builder.

6-2-29 RIGHTS OF CITY. All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the city and such extension shall be the property of the city and no other person shall have any right, title, or interest therein.

6-2-30 SEPARATION DISTANCES FROM WELLS. The separation distances as contained in the Iowa Department of Natural Resources Specifications are hereby adopted and incorporated herein. These separation distances shall apply to the existing city water supply wells and new water supply wells as may be constructed. Any violation of this ordinance shall be considered a municipal infraction and the provisions of Lake City's Ordinance entitle Municipal Infractions shall apply.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3 UTILITIES – STORM WATER SYSTEM

6-3-1	Purpose	6-3-3	Storm Water Drainage System
6-3-2	Definitions		District Established

6-3-1 **PURPOSE.** The purpose of this article is to establish a Storm Water Utility and provide a means of funding the construction, operation, and maintenance of storm water management facilities including, but not limited to, detention and retention basins, storm water sewers, inlets, ditches and drains, and cleaning of streets. The Council finds that the construction, operation and maintenance of the City's storm and surface water drainage system should be funded through charging users of property which may connect or discharge directly, or indirectly, into the storm and surface water drainage system.

6-3-2 **DEFINITIONS.** For use in this article, unless the context specifically indicates otherwise, the following terms are defined:

1. "Connection" means the physical act or process of tapping a public storm water sewer or drainage line, or joining onto an existing side sewer, for the purpose of connecting private impervious surface or other storm and surface water sources or systems to the public storm and surface water system. It also includes creation or maintenance of impervious surface that causes or is likely to cause an increase in the quantity or decrease in quality or both from the natural state of storm water runoff, and which drains, directly or indirectly, to the storm and surface water system.
2. "Customer" means, in addition to any person receiving storm 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. "Storm and surface water drainage system" means any combination of publicly owned storm and surface water quantity and quality facilities, pumping, or lift facilities, storm and secondary drain pipes and culverts, open channels, creeks and ditches, force mains, laterals, manholes, catch basins and inlets, including the grates and covers thereof, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the collection, conveyance, treatment and disposal of storm and surface water system within the City, to which sanitary sewage flows are not intentionally admitted.
4. "User" means any person who uses property that maintains connection to, discharges to, or otherwise receives services from the City for storm water

management. The occupant of occupied property is deemed the user. If the property is not occupied, the person who has the right to occupy it shall be deemed the user.

6-3-3 STORM WATER DRAINAGE SYSTEM DISTRICT ESTABLISHED. Pursuant to the authority of Section 384.84(5) of the Code of Iowa, the entire City is hereby declared a Storm Water Drainage System District for the purpose of establishing, imposing, adjusting and providing for the collection of rates for the operation and maintenance of storm water management facilities. The entire City, as increased from time to time by annexation, shall constitute a single Storm Water Drainage System District.

(Code of Iowa, Sec. 384.84(5))

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - REFUSE COLLECTION

SOLID WASTE CONTROL

- 6-4-1 Definitions
- 6-4-2 Health Hazard
- 6-4-3 Fire Hazard
- 6-4-4 Open Burning Restricted
- 6-4-5 Littering Prohibited
- 6-4-6 Dumping Prohibited
- 6-4-7 Waste Storage Containers
- 6-4-8 Storage of Yard Wastes
- 6-4-9 Sanitary Disposal Required
- 6-4-10 Prohibited Practices

COLLECTION AND TRANSPORTATION

- 6-4-11 Collection Vehicles
- 6-4-12 Loading

- 6-4-13 Frequency of Collection

- 6-4-14 Location of Containers

- 6-4-15 Bulky Rubbish

- 6-4-16 Right of Entry

SOLID WASTE DISPOSAL

- 6-4-17 Sanitary Disposal Required

- 6-4-18 Open Dumping Required

- 6-4-19 Exceptions

- 6-4-20 Toxic and Hazardous Wastes

- 6-4-21 Radioactive Materials

- 6-4-22 Sanitary Disposal Project
Designated

- 6-4-23 Private Sanitary Disposal Project

SOLID WASTE CONTROL

- 6-4-1 **DEFINITIONS.** For use in this chapter, the following terms are defined:

1. “Back Yard Burning” shall mean the disposal of residential waste by open burning on the premises of the property where such waste is generated.
(IAC, 2016, 567-20.2)
2. "Collectors" shall mean any person authorized by this article to gather solid waste from public and private places.
3. “Director” shall mean the director of the department of natural resources or his designee.
(Code of Iowa, Sec. 455B.101 (2))
4. “Discard” shall mean to place, cause to be placed, throw, deposit or drop.
(Code of Iowa, Sec. 455B.361 (1))
5. "Dwelling Unit” shall mean any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking, and eating.

6. "Garbage". Includes all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink.
(IAC, 2016, 567-100.2)
7. Hazardous waste” means a waste or combination of wastes that, because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, has either of the following effects:
 - a. Causes, or significantly contributes to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.
 - b. Poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. “Hazardous waste” may include but is not limited to wastes that are toxic, corrosive or flammable or irritants, strong sensitizers or explosives.
(Code of Iowa, Sec. 455B.411)
8. “Landscape Waste” shall mean any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.
(IAC, 2016, 567-20.2)
9. “Litter” shall mean any garbage, rubbish, trash, refuse, waste materials or debris.
(Code of Iowa, Sec. 455B.361 (2))
10. "Multiple-family Dwelling" shall mean a structure containing more than one dwelling unit.
11. “Open Burning” shall mean any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.
(IAC, 2016, 567-100.2)
12. “Open Dumping” shall mean the depositing of solid wastes on the surface of the ground or into a body or stream of water.
(IAC, 2016, 567-100.2)
13. "Operator" shall mean the person or agency authorized to conduct disposal operations at a public sanitary disposal project or licensed private sanitary disposal project.

14. "Owner" shall mean 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.
15. "Processing Facility" shall mean the site and equipment for the preliminary and incomplete disposal of solid waste, including but not limited to transfer, open burning, incomplete land disposal, incineration, composting, reduction, shredding and compression.
(IAC, 567-100.2)
16. "Property Served" shall mean any property which is being used or occupied and is eligible to receive solid waste collection and disposal service as provided
17. "Refuse" shall mean putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semi-solid form.
(IAC, 2016, 567-100.2)
18. "Resident" shall mean in addition to any person residing in the city, any person occupying or using any commercial, industrial or institutional premises within the city.
19. "Residential Premises" means a single- family dwelling and any multiple family dwelling up to and including four (4) separate quarters. Garden type apartments and row type housing units shall be considered residential premises regardless of the total number of such apartments or units which may be included in a given housing development.
20. "Residential Waste" shall mean any refuse generated on the premises as a result of residential activities. The term includes landscape wastes grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade wastes and any locally recyclable goods or plastics.
(IAC, 2016, 567-20.2)
21. "Rubbish" shall mean non-putrescible solid waste consisting of combustible and non-combustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass bedding, crockery or litter of any kind.
(IAC, 2016, 567-100.2)
22. "Rubble" shall mean stone, brick or similar inorganic materials.
(IAC, 2016, 567-100.2)

23. "Salvage Operation" shall mean any business, industry or trade engaged wholly or in part in salvaging or reclaiming any product or material, including, but not limited to, chemicals, drums, metals, motor vehicles or shipping containers.
(IAC, 2016, 567-20.2)
24. "Sanitary Disposal" shall mean 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, 2016, 567-100.2)
25. "Sanitary Disposal Project" shall mean all facilities and appurtenances including all real and personal property connected with such facilities, which 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.
(Code of Iowa, Sec. 455B.301 (21))
26. "Scavenging" shall mean the uncontrolled removal of materials from the unloading or working area of a sanitary disposal project.
(IAC, 567-100.2)
27. "Single-family Dwelling" shall mean a structure containing one dwelling unit only.
28. "Site" shall mean any location, place, or tract of land used for collection, storage, conversion, utilization, incineration, or burial of solid wastes.
(IAC, 567-100.2)
29. "Solid Waste" shall mean garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa.
(Code of Iowa, Sec. 455B.301 (23))
30. "Toxic wastes" means materials containing poisons, biocides, acids, caustics, pathological wastes, and similar harmful wastes which may require special handling and disposal procedures to protect the environment and the persons involved in the storage, transport and disposal of the wastes.
(IAC, 2016, 567-100.2)
31. "Yard Waste" shall mean all discarded vegetative materials consisting of grass and grass clippings, leaves, small branches, and wastes from garden residues.

6-4-2 **HEATH HAZARD.** It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

6-4-3 **FIRE HAZARD.** It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.

6-4-4 **OPEN BURING RESTRICTED.** No person shall allow, cause or permit open burning of combustible materials, except that the following shall be permitted.

(IAC 567-23)

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.
2. **Tree and Tree Trimmings.** The open burning of trees and tree trimmings not originated on the premises provided that the burning site is operated by a local governmental entity, the burning site is fenced and access is controlled, burning is conducted on a regularly scheduled basis and is supervised at all times, burning is conducted only when weather conditions are favorable with respect to surrounding property, and the burning site is limited to areas at least one-quarter mile from any inhabited building.
3. **Flare Stacks.** The open burning or flaring is conducted in compliance with applicable rules of the state department of environmental quality.
4. **Landscape Waste.** The disposal by burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing, and construction operations shall be limited to areas located at least one-fourth (1/4) miles from any inhabited building. Rubber tires shall not be used to ignite landscape waste. All landscape wastes can be burned only in a burn barrel meeting the requirements set forth in the Lake City Code.
5. **Recreational Fires.** Open fires for cooking, heating, recreation, and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the Department of Natural Resources.
 - a. A permit must be obtained through City Hall prior to having a recreational fire. Fees for such permits shall be set by resolution, and all permits expire at the end of a calendar year.
 - b. Fires must be confined within a noncombustible container device or fire ring designed for the purpose of containing fire.

- c. Fuel shall be limited to clean lumbers, logs, charcoal, propane, or natural gas. The burning of garbage, treated lumber, refuse, any plant material, and construction waste is prohibited.
- d. Any open burning shall constantly be attended by a competent person until the fire is completely extinguished. This person shall have water or other approved fire extinguishing equipment readily available. No fire shall be allowed to smolder overnight.
- e. No person shall kindle a fire upon the premises of another without the permission of the owner or owner's agent. No recreational fires shall be allowed on City-owned property without City council approval.
- f. The Fire Chief, Police Chief, or their designees, are authorized to require that open fires or recreational fires be immediately discontinued if determined that smoke emissions are offensive to the occupants of surrounding property or if the fire is determined to constitute a hazardous condition.
- g. Violation of the regulations may result in revocation of the permit by the City Administrator/Clerk, at the recommendation of the Fire Chief or Police Chief.

Open burning activities for which a permit may be issued through City Hall, following consultation with the Fire Chief, include prescribed landscape fires for the maintenance of native prairie grasses, ceremonial fires for groups and organizations, recreational special occasions/events, and fires associated with clearing of land for development. Fees for such permits shall be set by resolution.

- 6. Back Yard Burning. Back yard burning fir residences or businesses is permitted as follows.
 - a. No material other than landscape waste originating on the premises or materials that are 100% paper products shall be burned. No plastic, garbage, or other material shall be burned.
 - b. Backyard burning shall be permitted only in a burn barrel which meets all of the following requirements.
 - 1) The burn barrel must sit on blocks or bricks that cause it to be raised up off of the ground so that the minimum clearance for all parts of the bottom of the burn barrel is two inches or greater.

- 2) Within twelve inches from the bottom of the burn barrel, there must be a minimum of four holes for ventilation, which have a diameter of not less than one inch.
 - 3) No burn barrel may be used until an annual burn barrel permit application has been filed for the current year and a permit issued by the City. If more than one burn barrel is used by any person, a separate permit application for each barrel is required.
- c. A permit must be obtained through City Hall prior to open burning. Fees for such permits shall be set by resolution, and all permits expire at the end of the calendar year. Open burning is allowed Mondays-Saturdays, between the hours of 8:00 AM and 8:00 PM during the designated burn periods of April 1st – April 30th and October 15th – November 15th. Council may, by majority vote, amend the burn periods. Violation of the regulations may result in revocation of the permit by the City Administrator/Clerk, at the recommendation of the Fire Chief or Police Chief.
7. Training Fires. Fires used for the purpose of bona fide training of public or industrial employees in firefighting methods.
 8. Variance. Any person wishing to conduct open burning of materials not exempted herein may make application for a variance to the Director of the Department of Natural Resources.

6-4-5 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)

6-4-6 DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the Executive Director of Department of Natural Resources.

(IAC 537-100.4) 455B.307

6-4-7 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following.

1. Container Specification. Waste storage containers shall comply with the following specifications:

- a. Residential. Residential waste containers shall be of not less than twenty (20) gallons nor more than thirty-five (35) gallons in nominal capacity; shall be leak proof, waterproof and fitted with a fly tight lid which shall be kept in place except when depositing or removing the contents thereof. They shall have handles, bails or other suitable lifting devices or features and be of a type originally manufactured for the storage of residential wastes with tapered sides for easy emptying. They shall be of light weight and sturdy construction with the total weight of any individual containers and contents not exceeding seventy-five (75) pounds. Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used. Disposable containers or other containers as approved by the City may also be used.
 - b. Commercial. Every person owning, managing, operating, leasing or renting any commercial premises where excessive amounts of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.
2. Location 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 shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well-drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.
3. Non-conforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

6-4-8 STORAGE OF YARD WASTES. All yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. Tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of any individual bundle or container shall not exceed seventy-five (75) pounds.

6-4-9 SANITARY DISPOSAL REQUIRED. It shall be the duty of each owner to provide for the sanitary disposal of all refuse accumulating on his 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 Title III, Chapter 2, or by initiating proper action in District Court.

(Code of Iowa, Sec. 657)

6-4-10 PROHIBITED PRACTICES. It shall be unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers other than his own 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. Unlawful Disposal. Dispose of refuse at any facility or location which is not an approved sanitary disposal project.
4. Unlawful Collection. Engage in the business of collecting, transporting, processing or disposing of residential refuse within the City without a contract therefor with the City or a valid permit therefor.
5. Incinerators. Burn rubbish or garbage except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter.

COLLECTION AND TRANSPORTATION

6-4-11 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)

6-4-12 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.

6-4-13 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.

6-4-14 LOCATION OF CONTAINERS. Containers for the storage of solid waste awaiting collection shall be placed out-of-doors at some easily accessible place not more than one hundred (100) feet from a public street or alley by the owner or occupant of the premises served.

6-4-15 **BULKY RUBBISH.** Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefor established by the council.

6-4-16 **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 article, however solid waste collectors shall not enter dwelling units or other residential buildings.

SOLID WASTE DISPOSAL

6-4-17 **SANITARY DISPOSAL REQUIRED.** All solid wastes generated or produced within the city shall be disposed of at a sanitary disposal project designated by the city and approved by the executive director of the Iowa Department of Natural Resources.

(Code of Iowa, 455B.302)

6-4-18 **OPEN DUMPING PROHIBITED.** No person shall cause, allow or permit the disposal of solid wastes upon any place within the jurisdiction of the city owned or occupied by him unless such place has been designated by the city as a licensed sanitary disposal project, public sanitary disposal project or an approved processing facility.

6-4-19 **EXCEPTIONS.** Nothing in this article shall prohibit the filling, leveling or grading of land with earth, sand, dirt, stone, brick, gravel, rock, rubble or similar inert wastes provided these materials are not contaminated or mixed with combustible, putrescible or other waste materials, nor to the disposal of animal and agricultural wastes on land used or operated for farming.

6-4-20 **TOXIC AND HAZARDOUS WASTES.** Toxic or hazardous wastes shall be disposed of only upon receipt of and in accordance with explicit instructions obtained from the director of the Department of Natural Resources.

6-4-21 **RADIOACTIVE MATERIALS.** Materials that are radioactive shall not be disposed of in a sanitary disposal project. Luminous timepieces are exempt.

6-4-22 **SANITARY DISPOSAL PROJECT DESIGNATED.** The sanitary landfill facilities operated by the county are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the city.

6-4-23 **PRIVATE SANITARY DISPOSAL PROJECT.** No person may establish and operate a private sanitary disposal project within the city.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 UTILITIES - RECYCLING

6-5-1	Definitions	6-5-4	Unlawful Activities and/or
6-5-2	Mandatory Collection of Solid		Nuisances
	Waste	6-5-5	Other Means of Disposal
6-5-3	Establishment of Curbside	6-5-6	Commercial/Institutional
	Recycling Program		Recycling

6-5-1 **DEFINITIONS.** The following definitions shall apply for purposes of this article.

1. "Agency" means Carroll County Solid Waste Agency.
2. "Commercial/Institutional Recycling" means the diversion of recyclable materials from the waste stream of businesses and industries of Lake City, Iowa, to the Carroll County Landfill.
3. "Family Housing Unit" means single family residences within the corporate limits of Lake City that have either a water meter or an electrical meter and each unit of a multifamily unit within the corporate limits of Lake City which has a separate water meter.
4. "Hauler" means a collector of solid waste/recyclable material meeting all of the requirements by the City of Lake City and having an authorized contract with the City.
5. "Recyclable Materials" means newsprint; corrugated cardboard; high-grade paper; clear, green and brown/amber glass (food and beverage containers); high-density polyethylene (HPDE) and polyethylene terephthalate (PET) plastic containers; textiles and other materials designated by the Agency to be part of an authorized recycling program and which are intended for transportation, processing and remanufacturing or reuse.
6. "Solid waste" means materials that are not recyclable or recyclable materials that have not been properly prepared or transported.
7. "Special waste" means any materials that are not classified as solid waste or recyclable materials due to their size (e.g. furniture) or because such items are banned by state or federal law from final disposal in a sanitary landfill facility. Special waste shall include, but not be limited to, appliances, furniture, waste oil, waste tires, ashes and other items determined by the Council.

8. "Yard waste" means grass clippings, leaves, garden debris, bush and trees, either bagged or unbagged.

6-5-2 MANDATORY COLLECTION OF SOLID WASTE. All family housing units within the corporate limits of the City, shall dispose of their solid waste by depositing it in proper containers, which are to be placed at curbside for collection by licensed haulers having a contract with the City.

6-5-3 ESTABLISHMENT OF CURBSIDE RECYCLING PROGRAM. There is hereby established within the city a curbside recycling program for the commingled collection of HPDE and PET plastics; clear, green and brown/amber food and beverage container glass; tin and aluminum cans; and the separate collection of textiles, paper and corrugated cardboard from all residents of the municipality and from all other persons whose solid waste is collected by or on behalf of the city.

1. Collections of recyclable materials from the curbside shall be made every week on the same day as the collection of solid waste.
2. All family housing units with the city shall use the recycling containers.

6-5-4 UNLAWFUL ACTIVITIES AND/OR NUISANCES. It shall be unlawful for:

1. Any person other than a hauler, as defined in this article, to collect any solid waste or recyclable material that has been placed at the curbside for collection.
2. Any solid waste or recyclable material that is placed at the curbside for collection to be delivered to any place other than the Carroll County Landfill.
3. Any person to place or cause to be placed any material other than a designated recyclable material within a recycling collection container.

6-5-5 OTHER MEANS OF DISPOSAL.

1. Any person may donate recyclable materials to individuals or organizations unless or until such materials are placed at curbside for collection.
2. Should such recyclable materials be delivered to any place other than the agency transfer station or the contracted materials recycling facility serving the city, the business or institution must provide to the agency on a quarterly basis documentation of the type and amount of recyclable material diverted.

6-5-6 COMMERCIAL/INSTITUTIONAL RECYCLING. All residents living inside the corporate limits of the city, in a structure that does not meet the definition of a family housing unit, or the owner of such dwelling unit as well as all persons within the city who are engaged in business or the providing of services who are not served by the curbside program for family

housing units shall make arrangements for the collection of solid waste and recyclable materials with a hauler as defined in this article with the services to commence no later than June 1, 1992.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 UTILITIES - BILLING CHARGES

6-6-1	Utility Defined	6-6-11	Water Rates Outside the City
6-6-2	Districts	6-6-12	Bulk Water
6-6-3	Billing, Penalty	6-6-13	Sanitary Sewer Charges
6-6-4	Discontinuing Services, Fees – Water, Storm Sewer, Solid Waste	6-6-14	Sanitary Sewer Charges from Premises with Private Water Systems
6-6-5	Lien for Non-Payment – Sanitary Sewer	6-6-15	Storm Sewer Rates
6-6-6	Lien for Non-Payment Transferred	6-6-16	Solid Waste Collection Rates
6-6-7	Residential Rental Property	6-6-17	Landfill Rate
6-6-8	Customer Guarantee Deposits	6-6-18	Collection of Delinquent Landfill Rates
6-6-9	Service Voluntarily Disconnected		
6-6-10	Water Rates		

6-6-1 **UTILITY DEFINED.** For use in this chapter, utility is the sewer, storm sewer, water, and refuse collection systems operated by the City.

6-6-2 **DISTRICTS.** There shall be one sewer, storm sewer and water district which encompasses all of the City of Lake City, Iowa.

6-6-3 **BILLING, PENALTY.** Billing and payment for water, sanitary sewer, storm sewer and refuse services shall be in accordance with the follow:

(Code of Iowa, Sec. 384.84(1))

1. **Consumption Period.** Water consumption shall be measured during monthly periods ending with the twentieth day of each month.
2. **Bill Issued.** The City Administrator/Clerk shall prepare and issue bills for water service on or before the first day of the month following each consumption period.
3. **Bills Payable.** Bills for water service shall be due and payable at the office of the City Administrator/Clerk within twenty (20) days of the date of issue.
4. **Late Payment Penalty-Water.** Water bills not paid when due shall be considered delinquent. A one-time late payment penalty of ten percent (10%) of the amount due shall be added to each delinquent bill.

6-6-4 **DISCONTINUING SERVICE, FEES – WATER, STORM SEWER, SOLID WASTE.** Service to delinquent consumers shall be discontinued in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The City Administrator/Clerk shall notify each customer whose water or sewer bill was not paid in full by the twentieth (20th) of the month and is considered delinquent, that water service will be discontinued if the following terms of payment have not been met with ten (10) days from the mailing of notice, including weekends and holidays, or if any time thereafter the following terms shall not continue to be met. Such notice shall be sent, by first class mail, within (5) days of the date when the bill becomes delinquent.
2. Fees. If payment in full is tendered to the superintendent at the time of the shutoff trip, there shall be added a service fee of thirty (\$30) dollars to meet the cost of the trip and the superintendent shall give the consumer a receipt for said payment. A turn-on fee of thirty (\$30) dollars shall be charged if a separate turn-on trip is necessary.
3. Service Discontinued. The superintendent shall shut off the supply of water to any consumer who, not having contested the amount billed in good faith, at any time has failed to meet these following terms concerning delinquent payments at any time after 11:00 a.m. the seventh (7th) day following the notice mentioned above.
 - a. Payment of the total amount plus any late payment penalty must be made by 11:00 a.m. on or before the seventh (7th) day following the notice.
 - b. If excessive water is used, due to a leak, the City Administrator/Clerk may extend the payment period. The City Administrator/Clerk will determine the length of the extended period, taking into consideration the amount of the leak. The extended period shall not exceed ten (10) months and is to be in writing.
 - c. All future water and sewer bills, and the amount due on the extended bill, must be paid before they become delinquent on the 20th day after the date of issue.
 - d. If any of the payments as set forth above are not made when due, the superintendent or designee shall immediately shut off the water supply to the consumer without further notice and the total of any outstanding bills shall become due and payable and must be paid in full before the water or sewer service will be reconnected. Both the disconnection fee of thirty dollars (\$30) and the reconnection fee of thirty dollars (\$30) will also be paid before service is reconnected.
4. No service will be turned on after hours, on weekends or holidays. Service will be turned on as soon as possible the day of shutoff or the first working day after shutoff.

5. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner.

(Code of Iowa, Sec. 384.84 (3))

6-6-5 LIEN FOR NON-PAYMENT – SANITARY SEWER. Sewer rental charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the City Administrator/Clerk to the County Treasurer for collection in the same manner as property taxes.

6-6-6 LIEN FOR NONPAYMENT TRANSFERRED. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent user.

(Code of Iowa, Sec. 384.84(3) (a) (3))

6-6-7 RESIDENTIAL RENTAL PROPERTY. Residential rental property where a charge for any of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal is paid directly to the City by the tenant is exempt from a lien for delinquent rates or charges associated with such services if the landlord gives written notice to the City utility that the property is residential rental property and that the tenant is liable for the rates or charges. A City utility may require a deposit not exceeding the usual cost of ninety (90) days of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal to be paid to the utility. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for the charges, the address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins. A change in tenant shall require a new written notice to be given to the City utility within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City utility shall return the deposit if the charges for the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal are paid in full.

A change in the ownership of the residential rental property shall require written notice of such change to be given to the City utility within thirty (30) business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs related to a service of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal if the repair charges become delinquent.

(Code of Iowa, Sec. 384.84(3) (d))

(Code of Iowa, Sec. 384.84(3) (e))

(Amended in 2012)

6-6-8 CONSUMER GUARANTEE DEPOSITS. Consumer deposits of one hundred dollars (\$100) shall be required of all consumer. Such deposit may be held and applied to the final bill. If any outstanding bills remain on an account, it must be paid before establishing a new account. An occurrence or recurrence of a bad payment record shall be the cause for requiring a new or larger deposit for the continuation of service.

The owner of the property shall be responsible for any uncollected water service charges more than forty-five (45) days in arrears. Therefore, property owners have the right to request notification, in writing, from the city, as to the delinquency of the tenant. This request will be done only at the request of the property owner. The property owner has the right to request notifications as often as monthly if so desired.

6-6-9 SERVICE VOLUNTARILY DISCONNECTED. When a customer requests the city to disconnect the water service to any property (other than a temporary termination of the service for sole purpose of making a repair) the city shall disconnect said water service without charge, but shall not reconnect said water service until the turn-on fee of fifteen dollars (\$15.00) (for these cases of voluntary termination of service) is paid.

6-6-10 WATER RATES. Water service shall be furnished at the following monthly rates per property serviced within the City limits:

(Code of Iowa, Sec. 384.84(1))

1. First 1,000 gallons used per month \$10.93 (minimum bill), to include bulk water sales.
2. All over 1,000 gallons used per month at \$5.40 per 1,000 gallons.

6-6-11 WATER RATES OUTSIDE THE CITY. The charges for metered water service furnished outside the City limits or for use outside the City limits of the City of Lake City shall be as follows:

1. 1.5 times City water rates.

6-6-12 BULK WATER. The charge for bulk water purchased from the City shall be:

1. \$6.00 per 1,000 gallons.

6-6-13 SANITARY SEWER CHARGES. Each consumer shall pay for the services provided by the City based on use of water as determined by water meters acceptable to the City. The monthly sewer charges, based on the amount of water used during the current month shall be:

1. First 1,000 gallons used per month \$5.94 (minimum bill).
2. Next 1,000 gallons used per month \$3.08 per 1,000 gallons.

(Code of Iowa, Sec. 384.84(1))

6-6-14 **SANITARY SEWER CHARGES FROM PREMISES WITH PRIVATE WATER SYSTEMS.** Contributors whose premises are served by a private water system shall pay sewer rental based upon the water used as determined by the superintendent either by an estimate agreed to by the contributor or by metering the water system at the contributor's expense. Any negotiated or agreed upon sales or rentals shall be subject to approval by the Council.

6-6-15 **STORM SEWER RATES.** Each user shall pay for storm and surface water drainage system service provided by the City. The rates for the operation and maintenance of the storm water management facilities shall be collected by imposing a monthly rate on each residential, commercial, and industrial user within the City. The Council may adopt rules, charges, rates, and fees for the use of the City's storm and surface water system, and for services provided by the City relating to that system. Such rules may include delinquency and interest charges and penalties. Such charges and fees shall be just and equitable based upon the actual costs of operation, maintenance, acquisition, extension and replacement of the City's system, the costs of bond repayment, regulation, administration, and services of the City. A fee of one dollar (\$1.00) shall be charged to each utilities customer each billing cycle.

6-6-16 **SOLID WASTE COLLECTION RATES.** The fee for the availability of solid waste collection and disposal service shall be imposed on every family housing unit and said fee shall be imposed whether the service is used or not. The monthly fees shall be:

1. All single family housing units shall be billed \$17.50 per month, with this fee to include the existing \$0.62 per month per capita landfill assessment fee. In addition, single family housing units may be assessed a fuel surcharge in accordance with the Hauler's contract.

Those residents requiring collection of special wastes or non-physically-disabled residents wishing collection of solid waste on a more frequent or non-curbside basis may contract with a hauler for specialized service. Such a contract shall not exempt that resident from the fee established in this article.

6-6-17 **LANDFILL RATE.** The annual charge to be assessed on a per capita basis against each resident of the city shall be the sum of \$12.00 and shall be billed at \$1.00 per month.

6-6-18 **COLLECTION OF DELINQUENT LANDFILL FEE.** Pursuant to Iowa Code Section 384.84, any landfill fee which is not paid within forty-five (45) days from the date billed shall constitute a lien upon the premises being occupied by the resident of Lake City and may be certified to the county auditor and collected in the same manner as taxes.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 SIDEWALK REGULATIONS

6-7-1	Purpose	6-7-13	Barricades and Warning Lights
6-7-2	Definitions	6-7-14	Interference with Sidewalk Improvements
6-7-3	Cleaning Snow, Ice, and Accumulations	6-7-15	Special Assessments for Construction and Repair
6-7-4	Maintenance Responsibility	6-7-16	Notice of Assessment for Repair or Cleaning Costs
6-7-5	Liability of Abutting Owner	6-7-17	Hearing and Assessment
6-7-6	Ordering Sidewalk Improvements	6-7-18	Billing and Certifying to County
6-7-7	Repairing Defective Sidewalks	6-7-19	ADAAG Compliance
6-7-8	Notice of Inability to Repair or Barricade	6-7-20	Awning
6-7-9	Standard Sidewalk Specifications	6-7-21	Encroaching Steps
6-7-10	Permits for Construction or Removal	6-7-22	Openings and Enclosures
6-7-11	Failure to Obtain Permit; Remedies	6-7-23	Fire on Sidewalks
6-7-12	Inspection and Approval	6-7-24	Fuel on Sidewalks

6-7-1 **PURPOSE.** The purpose of this chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct or reconstruct sidewalks.

6-7-2 **DEFINITIONS.** As used in this chapter, the following terms have these meanings:

1. **Broom Finish.** A sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. **Business District.** The territory contiguous to and including the following designated streets:
 - a. Center Street from Jefferson Street to Washington Street.
 - b. Illinois Street from Jefferson Street to Washington Street.
 - c. Main Street from Michigan Street to Woodlawn Avenue.
 - d. Washing Street from Center Street to Illinois Street.
3. **Defective Sidewalk.** Any public sidewalk exhibiting one or more of the following characteristics:

- a. vertical separations equal to three-fourths (3/4) inch or more.
 - b. horizontal separations equal to three-fourths (3/4) inch or more.
 - c. holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
 - d. spalling over fifty (50) percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
 - e. spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (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 design or construction grade equal to or greater than three-fourths (3/4) inch per foot.
- 4. Establish Grade. That grade established by this City for the particular area in which a sidewalk is to be constructed.
 - 5. One-course Construction. The full thickness of the concrete is placed at one time, using the same mixture throughout.
 - 6. Owner. The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, or person in possession.
 - 7. Portland Cement. Any type of cement except bituminous cement.
 - 8. Sidewalk. All permanent public walks in the business, residential or suburban areas.
 - 9. Sidewalk Improvements. The construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.
 - 10. Wood Float Finish. A sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

6-7-3 CLEANING SNOW, ICE, AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the owner's property clear of the natural accumulations of snow

or ice. If the owner fails to do so within twenty four (24) hours after deposit of accumulation, the Mayor or Mayor's designee may have the natural accumulations of snow or ice removed without notice to the property owner. The Mayor or Mayor's designee shall give the Council an itemized and verified statement of the removal costs and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed against the property as taxes. The City Administrator/Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

(Code of Iowa, Sec. 364.12(2b) and (2e))

6-7-4 MAINTENANCE RESPONSIBILITY. The abutting property owner or owners shall be responsible for the repair, replacement or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way.

(Code of Iowa, Sec. 364.12(2c))

6-7-5 LIABILITY OF ABUTTING OWNER. As provided in Section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this Ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in or the condition of said sidewalk, the City may notify in writing the said abutting owner that it claims the injury was caused by their negligence and/or their failure to repair the defect or eliminate the condition complained of. 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 condition 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)

6-7-6 ORDERING SIDEWALK IMPROVEMENTS. The City Council may order the construction, reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within fifteen (15) days or receipt of the notice.

6-7-7 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Mayor or Mayor's designee shall order the work to

proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor or Mayor's designee shall submit to the Council an itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes. The City Administrator/Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

(Code of Iowa, Sec. 364.12 (e))

6-7-8 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.

6-7-9 STANDARD SIDEWALK SPECIFICATIONS. Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.
2. Sidewalks shall be on one-course construction.
3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three (3) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the City.
4. The sidewalk bed shall be graded to the established grade.
5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than six (6) feet in length. In the business district, sidewalks shall be twelve (12) feet in width except where the distance from the curb of the paving to the lot line of the abutting property is less than twelve (12) feet, in which case such permanent sidewalks shall be of the width from the curb line to the abutting lot line. Each section shall be four (4) inches thick and no more than six (6) feet in length or width. All driveway areas shall not be less than six (6) inches in thickness.
6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one-half (½) foot from the property line, unless the Council shall establish a different distance due to the circumstances.
7. Curb tops shall be on level with the centerline of the street which shall be the established grade.

8. 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. All sidewalks shall slope one-quarter ($\frac{1}{4}$) inch per foot toward the curb.
10. All sidewalks shall be finished with a "broom" or a "wood float" finish.
11. Ramps for the disabled. There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the cross-walks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically disabled persons using the sidewalk.

(Code of Iowa, Sec. 216C.9)

12. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Superintendent of Public Works, and in accordance with the standard sidewalk specifications set forth in this chapter.

6-7-10 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a permit from the City Administrator/Clerk. The permit shall state that the person will comply with the Ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City Superintendent of Public Works. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Administrator/Clerk. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The City Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

6-7-11 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Mayor or Mayor's designee shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit.

If the owner fails to comply with this notice, the Mayor or Mayor's designee shall have the work completed and the costs assessed to the property owner as provided in this chapter.

6-7-12 INSPECTION AND APPROVAL. Upon final completion, the Superintendent of Public Works or designee shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications, and the permit, the Superintendent of Public Works or designee shall indicate this on both copies of the permit.

6-7-13 BARRICADES AND WARNING LIGHTS. Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property.

6-7-14 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is 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 or warning device provided by this chapter.

6-7-15 SPECIAL ASSESSMENTS FOR CONSTRUCTION AND REPAIR. The City Council may assess the cost of initial construction, improvements, and/or repair of sidewalks in the City according to the special assessment procedures established in Chapter 384, division IV, Code of Iowa.

(Code of Iowa, Sec. 384.38)

6-7-16 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the Mayor or Mayor's designee submits a bill for sidewalk improvements or for removal of accumulations as provided in this chapter, the City Administrator/Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall indicate that the person may object to such assessment and given the place and time at which Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice.

(Code of Iowa, Sec. 384.50)

6-7-17 HEARING AND ASSESSMENT. At the time and place designed in the Notice, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property.

(Code of Iowa, Sec. 384.51)

6-7-18 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the Council's decision, the City Administrator/Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$100 may be paid in installments as set by Council, not exceeding ten, in the same manner and at the same interest rates as for special assessments under Chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts.

(Code of Iowa, Sec. 384.60)

6-7-19 ADAAG COMPLIANCE. All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG)

6-7-20 AWNINGS. It shall be unlawful for a person to erect or maintain any awnings over any sidewalk unless all parts of the awning are elevated at least seven (7) feet above the surface of the street or 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.

6-7-21 ENCROACHING STEPS. It shall be 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.

6-7-22 OPENINGS AND ENCLOSURES. It shall be 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 sixty (60) feet of any sidewalk.

6-7-23 FIRES ON SIDEWALKS. It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.

6-7-24 FUEL ON SIDEWALK. It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 NAMING OF STREETS

6-8-1	Naming New Streets	6-8-4	Official Street Name Map
6-8-2	Changing Name of Street	6-8-5	Revision of Street Name Map
6-8-3	Recording Street Names		

6-8-1 **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. **Ordinance.** All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.
3. **Planning Commission.** Proposed street names shall be referred to the Planning Commission for review and recommendation.

6-8-2 **CHANGING NAME OF STREET.** The Council may, by ordinance, change the name of a street.

(Code of Iowa, Sec. 409.17)

6-8-3 **RECORDING STREET NAMES.** Following adoption of an ordinance naming or changing the name of a street, the Mayor and City Administrator/Clerk shall certify and file a copy thereof with the County Recorder and County Auditor.

(Code of Iowa, Sec. 409.17)

6-8-4 **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 article. 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 6-8-4 of the Code of Ordinances of Lake City, Iowa."

6-8-5 **REVISION OF STREET NAME MAP.** If in accordance with the provisions of this article, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the amendment 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 City Administrator/Clerk. No amendment to this article which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map.

Editor's Note:

The following ordinances, not codified herein, have been adopted amending the official Street Name Map.

Ordinance Number
06-06

Adopted
9-18-06

Street Name
Redenius Road

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 NUMBERING OF BUILDINGS

6-9-1	Buildings to be Numbered	6-9-4	Type of Numbers, Size
6-9-2	Numbering System	6-9-5	Enforcement
6-9-3	Mandatory Numbering		

6-9-1 **BUILDINGS TO BE NUMBERED.** All buildings now or hereafter erected within the City limits shall be assigned numbers and the owners notified of the assigned number. The owners shall cause the numbers to be placed and maintained on their property.

6-9-2 **NUMBERING SYSTEM.** Numbers shall be assigned in accordance with the system developed by the City Council. The system consists of three-digit numbering. The even numbers shall be on the west and north sides of all streets and the odd numbers shall be on the east and south sides of all streets.

6-9-3 **MANDATORY NUMBERING.** The placing of numbers is mandatory.

6-9-4 **TYPE OF NUMBERS, SIZE.** The numbers shall be conspicuously displayed on the portion of the building or premise which faces the street. All numbers shall be of durable substance, clearly legible and the numerals shall be not less than five inches in height.

6-9-5 **ENFORCEMENT.** If numbers meeting the requirements of this ordinance have not been placed on each building, the City shall cause individual notice to be given to the owner of buildings not numbered, requiring compliance within a reasonable time set in the notice, and if not completed by such time, the City shall cause proper numbers to be installed and the reasonable cost of the installation billed to such owner.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 MOWING OF PROPERTIES

6-10-1 Mowing of Properties
6-10-2 Penalty

6-10-3 Method of Service and Billing

6-10-1 MOWING OF PROPERTIES. Any property within the City of Lake City, whether vacated or non-vacated, is required to be mowed any time the vegetation reaches a height of more than 8 inches. If the City is unable to mow because of junk or junk vehicles, or debris, the City or agents may remove and assess the cost to the property owner, in accordance with 3-2-11.

6-10-2 PENALTY. Any property which is not mowed per the 8-inch guideline, as determined by City Officials, may be mowed by the City or their agents, and a charge of \$50.00 per hour per person for such mowing, plus a surcharge of \$100.00, will be charged to the property owner. Any property owners who fail to mow their property, thus allowing the same to be mowed by the City or their agents, and who do not provide payment for the mowing as required, will be assessed by the City for such costs, which will be collected in the same manner as general property taxes.

6-10-3 METHOD OF SERVICE AND BILLING. Annual publication of the ordinance codified by this chapter will serve as notice to property owners. Any billings for mowing done by the City or their agents may be sent by regular mail and must be paid within 30 days of the billing date, or the billing will be collected in the same manner as general property taxes.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 CURB LINES

6-11-1 Purpose

6-11-3 Construction of Curbs

6-11-2 Exceptions

6-11-4 Curb Lines Established

6-11-1 **PURPOSE:** The purpose of this article is to provide for the establishment of curb lines and street widths in the city.

6-11-2 **EXCEPTIONS.** The provisions of this article shall not apply to the streets abutting on Block Three of the Original Town Plat of the City of Lake City, Iowa, and shall not apply to the streets of said city leading from said Block Three for a distance of one block from said Block Three.

6-11-3 **CONSTRUCTION OF CURBS.** All curbing constructed in the streets of Lake City, where curb lines are herein established, shall be constructed on the curb lines as herein fixed.

6-11-4 **CURB LINES ESTABLISHED.** The curb lines on all streets, unless otherwise provided, shall be located as follows:

1. Eighty Foot Wide Streets. On all streets eighty (80) feet wide, at a distance of twenty (20) feet from the lot line.
2. Sixty-six Foot Wide Streets. On all streets sixty-six (66) feet wide, at a distance of eighteen (18) feet from the lot line.
3. Sixty Foot Wide Streets. On all streets sixty (60) feet wide, at a distance of fourteen (14) feet from the lot line.
4. Fifty-seven and One- half Foot Wide Streets. On all streets fifty-seven and one-half (57 ½) feet wide, at a distance of fourteen (14) feet from the lot line.
5. Fifty- five Foot Wide Streets. On all streets fifty-five (55) feet wide, at a distance of from the lot line. all streets ten (10) feet
6. Fifty Foot Wide Streets. On all streets fifty (50) feet wide, at a distance of eight (8) feet from the lot line.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 12 CEMETERY

6-12-1	Definition	6-12-5	Records
6-12-2	Trusteeship	6-12-6	Sale of Internment Rights
6-12-3	Cemetery Superintendent Appointed	6-12-7	Cemetery Trust Fund
6-12-4	Duties of Superintendent	6-12-8	Rules and Regulations

6-12-1 **DEFINITION.** The term "cemetery" means the Lake City 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)

6-12-2 **TRUSTEESHIP.** Pursuant to Section 523I.502 of the Code of Iowa, the City Council hereby states its willingness and intention to act as the trustee for the perpetual maintenance of the cemetery property.
(Code of Iowa, Sec. 523I.502)

6-12-3 **CEMETERY SUPERINTENDENT APPOINTED.** The City Administrator/Clerk shall recommend and the council approve an appointment of a Cemetery Superintendent who shall operate the cemetery in accordance with the rules and regulations therefor and under the direction of the City Administrator/Clerk.
(Code of Iowa, Sec. 372.13(4))

6-12-4 **DUTIES OF SUPERINTENDENT.** The duties of the Cemetery Superintendent are as follows.
(Code of Iowa, Sec. 372.13(4))

1. **Supervise Openings.** Supervise the opening of all graves and be present at every interment in the cemetery;
2. **Maintenance.** Be responsible for the maintenance of the cemetery buildings, grounds and equipment and make a monthly report of the cemetery operation to the Council.

6-12-5 **RECORDS.** It is the duty of the City Administrator/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.501)

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.

6-12-6 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 5231 of the Code of Iowa. The payment of all fees and charges shall be made at the office of the City Administrator/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. 5231.310)

6-12-7 CEMETERY TRUST FUND. Ninety (90) percent of all proceeds from the sale of interment rights in burial places shall be deposited in the General Fund. The remaining ten (10) percent of all proceeds from the sale of interment rights in burial spaces shall be deposited in the "Cemetery Trust Fund." To the extent possible, this fund shall be used for current operating shortfalls and capital expansion of the cemetery. Any surplus fund may be invested in accordance with the investments, operation, care, or maintenance of the cemetery.

6-12-8 RULES AND REGULATIONS. The rules and regulations for the cemetery shall be adopted, and may be amended by the Council from time to time, by resolution or ordinance. The rules and regulations shall cover the hours of opening and closing of the cemetery, the use of roads within the cemetery, the hours for burials, the decorating of graves, the fees for services rendered in connection with interments and the cost of lots or payments for perpetual care as deemed necessary. Burials are to take place at the cemetery rather than private property within the City limits. Burials on one cemetery space will be allowable by one of three options: 1) one vaulted burial or one cremation; 2) one vaulted burial plus one cremation; 3) two cremations. All

head stones shall be placed at the west end of the lot running in a north/south directional line; placement of additional markers will not be allowed elsewhere on the lot.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 13 TREES

6-13-1	Purpose	6-13-5	Assessment
6-13-2	Definitions	6-13-6	Trimming Trees to be Supervised
6-13-3	Planting Restrictions	6-13-7	Removal of Trees
6-13-4	Duty to Trim Trees		

6-13-1 **PURPOSE.** The purpose of this chapter is to beautify and preserve the appearance of the city by regulating and providing for the planting, care and removal of trees.

6-13-2 **DEFINITIONS.** For use in this chapter, the following terms are defined:

1. "Parking" shall mean 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.
2. "Superintendent" shall mean the superintendent of streets or such other person as may be designated by the council.

6-13-3 **PLANTING RESTRICTIONS.** No tree shall be planted in any street or parking except in accordance with the following:

1. **Alignment.** All trees hereafter 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 the parking if it 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 to street intersections (property lines extended) and ten (10) feet to 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 hereinafter plant in any street, any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, boxelder, Chinese elm, or evergreens.

6-13-4 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.

(Code of Iowa, 1981, Sec. 364.12[2c])

6-13-5 ASSESSMENT. If the abutting property owner fails to trim the trees as required in this chapter, the city may serve notice on the abutting property owner requiring him to do so within five (5) days. If he fails to trim the trees 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, 1981, Sec. 364.12[2d & e])

6-13-6 TRIMMING TREES TO BE SUPERVISED. It shall be unlawful for any person to trim or cut any tree in a street place unless the work is done under the supervision of or public the city.

6-13-7 REMOVAL OF TREES. The superintendent shall remove, on the order of the council, any tree on the streets of the city which interferes with the making of improvements or with travel thereon. He shall additionally remove any trees on the street, not on private property, which have become diseased, or which constitute a danger to the public, or which may otherwise be declared a nuisance.

(Code of Iowa, 1981, Sec. 364.12 [2c] & 372.13 [4])

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 14 DUTCH ELM DISEASE

6-14-1	Trees Subject to Removal	6-14-4	Removal from Private Property
6-14-2	Duty to Remove	6-14-5	Removal from Private Property
6-14-3	Inspection		

6-14-1 **TREES SUBJECT TO REMOVAL.** The council having determined that the health of the elm trees within the city is threatened by a fatal disease known as the Dutch Elm Disease hereby declares the following shall be removed:

(Code of Iowa, 1981, Sec. 364.12[3b])

1. **Living or Standing Trees.** Any living or standing elm tree or part thereof infected with the Dutch Elm Disease fungus or which harbors any of the elm bark beetles, that is *scolytus multistriatus* (eichb.) or *hylurgopinus rufipes* (marsh.).
2. **Dead Trees.** Any dead elm tree or part thereof including logs, branches, stumps, ' firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

6-14-2 **DUTY TO REMOVE.** No person, firm or corporation shall permit any tree or material as defined in Section 6-14-1 of this chapter to remain on the premises owned, controlled or occupied by him within the city.

(Code of Iowa, 1981, Sec. 364.12[3b])

6-14-3 **INSPECTION.** The superintendent shall inspect or cause to be inspected all premises and places within the city to determine whether any condition as defined in Section 1 of this article exists thereon, and shall also inspect or cause to be inspected any elm trees reported or suspected to be infected with the Dutch Elm Disease or any elm bark bearing material reported or suspected to be infected with the elm bark beetles.

6-14-4 **REMOVAL FROM CITY PROPERTY.** If the superintendent upon inspection or examination, in person or by some qualified person acting for him, shall determine that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property, within the city and that the danger of other elm trees within the city is imminent, he shall immediately cause it to be removed and burned or otherwise correct the same in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm Disease or the insect pests or vectors known to carry such disease fungus.

6-14-5 **REMOVAL FROM PRIVATE PROPERTY.** If the superintendent upon inspection or examination, in person or by some qualified person acting for him, shall determine with

reasonable certainty that any condition as herein defined exists in or upon private premises and that the danger to other elm trees within the city is imminent, he shall immediately notify by certified mail the owner, occupant or person in charge of such property, to correct such condition within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt thereof, the council may cause the nuisance to be removed and the cost assessed against the property as provided in sections 3-2-10 and 3-2-11. If the superintendent is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch Elm Disease, he is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

(Code of Iowa, 1981, Sec. 364.12[3b & h])

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 15 SWIMMING POOL REGULATIONS

6-15-1	Purpose	6-15-4	Unauthorized Swimming
6-15-2	Definition	6-15-5	Unauthorized Entrance
6-15-3	Authorized Swimming		

6-15-1 **PURPOSE.** The purpose of this chapter is to regulate the time and times of swimming in the municipal swimming pool all in the interests of the public safety, welfare and health and to protect city owned property.

6-15-2 **DEFINITION.** For use in this chapter "Swimming" or "to swim" shall mean any person with any part of their body touching any of the water in the Lake City municipal swimming pool.

6-15-3 **AUTHORIZED SWIMMING.** Swimming in the Lake City municipal pool shall be during such hours and on such dates as are prescribed by the duly appointed manager.

6-15-4 **UNAUTHORIZED SWIMMING.** All swimming except such as may be authorized in section three above, shall be unauthorized swimming and shall be a violation of this chapter.

6-15-5 **UNAUTHORIZED ENTRANCE.** Any entrance by any person to the Lake City municipal swimming pool in any manner other than through regular passageways and usual entrances shall be unauthorized entrance and shall be a violation of this chapter.

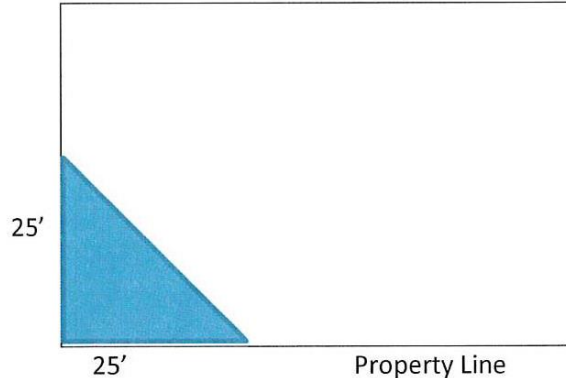
TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 16 FENCES

6-16-1	Definitions	6-16-4	Yard, Rear
6-16-2	Vision Clearance Triangle	6-16-5	Yard, Side
6-16-3	Yard, Front		

6-16-1 DEFINITION. For purposes of this section, the term "fence" means a constructed barrier of any material or combination of materials erected to enclose or screen areas of land. Plants, shrubs, bushes and trees are not normally considered "fences." However, if shrubs, bushes and trees are planted, maintained and used to form a barrier to enclose or screen areas of land, such use of plant materials shall constitute a "fence" or "living fence".

6-16-2 Vision Clearance Triangle. Is the sight triangle at Intersections of two public streets - On any corner lot, a triangle formed by measuring from the point of Intersection of the front and exterior side property lines a distance of 25 feet along said front and side property lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersections. This is illustrated in Figure A below.



6-16-3 YARD FRONT. A yard extending across the full width of the property and measured between the front property line and the building or any projection thereof, other than the projection of the usual steps and eaves. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street upon which the property has its address.

6-16-4 YARD, REAR. A yard extending across the full width of the property and measured between the rear property line and the structure of any projections other than uncovered steps, balconies or eaves. On both corner lots and interior lots the opposite end of the property from the front yard shall be considered the rear yard.

6-16-5 YARD, SIDE. A yard extending from the front yard to the rear yard and measured between the side property lines and the nearest building

1. Regardless of any other provision of this Ordinance, no fence shall interfere with the vision clear triangle as defined above.
2. No fence shall be constructed until the City Council approves a Fence Permit Application that has been fully completed and submitted to the City along with an Application Fee of \$10.00 (ten) dollars.
3. Fences should be constructed in an orderly and neat manner.
4. In all districts, fences not exceeding six feet (6') in height are permitted within the limits of side and rear yards. A fence not exceeding four feet (4') in height is permitted within the limits of front yards. Fences in excess of six feet (6') will be allowed in the cases of tennis courts and swimming pools, subject to further restrictions and upon granting of a conditional use permit by the Board of Adjustment. These height restrictions do not apply to agricultural zones being used for agricultural purposes.
5. In residential districts no fence shall be located closer than two feet (2') from the property line in the side yard or rear yard unless the owners of the adjoining properties execute, record with the Calhoun County Recorder and file with the City Administrator/Clerk a written agreement providing for the location of a fence on the property line and providing for the ownership, maintenance and repair of such fence.
6. Commercial and Industrial Districts: Fences and walls not exceeding eight feet (8') in height are permitted within the limits of any side or rear yard. Fences and walls exceeding eight feet (8') in height require site approval by the city council. Fences may be constructed to the property lines for commercial and Industrial districts, following site plan approval by the city council.
7. Barbed Wire and Electric Fences: It is unlawful for new construction of barbed wire or electric fences within residential districts without the written consent of the Council. This does not preclude the use of barbed wire in any Industrial district for security purposes so long as the bottom strand of barbed wire is at least six feet and six inches (6'6") above ground level.
8. Temporary Fences: No temporary fences (except at construction sites for safety purposes) shall be constructed until an Application and fee are submitted and approval given by the City Council. The Application shall contain diagram of where the fence is to be placed and shall contain a statement of when the fence will be removed. Temporary fences shall not be placed where a permanent fence

would not be allowed by this Ordinance, unless the City Council approves the nonconforming location.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 17 JUNK DEALERS

6-17-1	Definitions	6-17-5	Notice Provided
6-17-2	Endanger Public Welfare	6-17-6	Specific Requirements and regulations: Location
6-17-3	Power to Investigate and Inspect		
6-17-4	Operator Rights Revocation		

6-17-1 DEFINITIONS. For use in this article, the following terms are defined:

1. "Junk Dealer": shall mean any person engaged in the business of collecting, storing, buying or selling junk, including the activity known as "auto salvage."
2. "Junk Dealer": shall not include any retail merchant who takes in used items in trade in connection with his business of selling new and used vehicles or machinery.
3. "Junk": shall mean old or second hand vehicles, machinery, iron or other materials, rope, rags, glass, fabric, cordage, wood or paper not suitable for sale for the purpose for which the same was originally fabricated, but which is salvageable so as to be used again in some manner.

6-17-2 ENDANGER PUBLIC WELFARE. The operation should not and will not endanger the public welfare, order, safety, health or morals.

6-17-3 POWER TO INVESTIGATE AND INSPECT. The City Administrator/Clerk shall have the power to inspect and investigate the conduct of the occupation, or to cause such an inspection or investigation to be made by the police chief.

6-17-4 OPERATOR RIGHTS REVOCATION. The council, after giving reasonable notice and a fair hearing, may revoke the privilege of operating as a junk dealer within the City.

1. Unlawful Activity. The operator has violated this article or has otherwise conducted his business in an unlawful manner.
2. Improper Activity. The operator has conducted his business in a manner endangering the public welfare, health, safety order or morals.

6-17-5 NOTICE PROVIDED. The notice shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. The notice shall state the time and place of hearing and the reasons for the revoked privileges.

6-17-6 SPECIFIC REQUIREMENTS AND REGULATIONS: LOCATION. Operators hereunder shall comply with the following requirements and regulations:

1. Minors. A junk dealer shall not purchase or receive junk from a minor unless he first receives the written consent of the parents or guardian of the minor. Such consent shall be attached to the record book as a part of the permanent record.
2. Peace Officer's Inspection. In order to discover stolen property, peace officers shall be permitted to inspect the junk dealer's yard, store or establishment at all reasonable hours.
3. Health Inspection. The health officer shall be permitted at all times to inspect the junk dealer's premises for the existence of materials or conditions dangerous to the public health.
4. Fence. All junk yards shall be enclosed within a solid fence at least eight (8) feet in height, which fence shall be painted white. Materials within the yard shall not be stacked higher than the surrounding fence. Any gates in said fence shall be of solid material and of equal height.
5. Burning. The burning of materials/quantities that give off offensive or objectionable odors is prohibited.
6. Zoning. The business of junk dealer shall be located within the area zoned Heavy Manufacturing, Commercial or Industrial.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 18 HOUSE MOVERS

6-18-1	Purpose	6-18-8	Permit Issued
6-18-2	House Mover Defined	6-18-9	Public Safety
6-18-3	Permit Required	6-18-10	Time Limit
6-18-4	Application	6-18-11	Removal by City
6-18-5	Bond Required	6-18-12	Protect Pavement
6-18-6	Insurance Required	6-18-13	Electric Wires
6-18-7	Permit Fee		

6-18-1 **PURPOSE.** The purpose of this article is to protect and preserve the public safety and well-being by licensing and regulating house and building movers.

(Code of Iowa, 1981, Sec. 364.12[2])

6-18-2 **HOUSE MOVER DEFINED.** A "house mover" shall mean any person who undertakes to move a building or similar structure upon, over, or across the public streets, alleys, walks or property using skids, jacks, dollies or any method other than upon a properly licensed motor vehicle.

6-18-3 **PERMIT REQUIRED.** It shall be 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.

6-18-4 **APPLICATION.** Application for a house mover's permit shall be made in writing to the City Administrator/Clerk. The application shall include:

1. **Name and address and if Address.** The applicant's full names and addresses of principal officers.
2. **Building Location.** An accurate description of the present location and future site of the building or similar structure to be moved.
3. **Routing Plan.** A routing plan approved by the police chief, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

6-18-5 **BOND REQUIRED.** The applicant shall post with the City Administrator/Clerk a penal bond in the sum of one thousand (1, 000) dollars issued by a surety company authorized to issue such bonds in the State of Iowa. The bond shall guarantee the permittee's payment for any damage done to the ci ty or to public property, and payment of all costs incurred by the city in the course of moving the building or structure.

6-18-6 INSURANCE REQUIRED. Each applicant shall also have filed a certificate of insurance indicating that he is carrying public liability insurance in effect for the duration of the permit covering, himself and his agents and employees for the following minimum amounts:

1. Bodily Injury - \$50,000.00 per person; \$100,000.00 per · accident.
2. Property Damage \$50,000.00 per accident.

6-18-7 PERMIT FEE. A permit fee of ten (10) dollars shall be payable at the time of filing the application with the City Administrator/Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

6-18-8 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, required fee the City Administrator/Clerk shall issue a permit.

6-18-9 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 flagmen 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 flares at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

6-18-10 TIME LIMIT. No housemover 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.

6-18-11 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 6-18-10 of this article the city is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on his bond.

6-18-12 PROTECT PAVEMENT. It shall be 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 shall be 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 engineer or mayor as to such weight shall be final.

6-18-13 ELECTRIC WIRES. The holder of any permit to move a building shall see that all telephone, telegraph 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 holder of the permit for moving a building shall give twenty-four (24) hours' notice to the owner of any telephone, telegraph or electric wires to remove such wires and the owner of such wires may either remove or direct the removal and replacing of such wires, and the holder of the permit shall pay the reasonable costs thereof.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 19 HOUSING CODE

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|--------|--------------------------|--------|----------------------------|
| 6-19-1 | Short Title | 6-19-3 | Amendments, Modifications, |
| 6-19-2 | Adoption of Housing Code | | Additions, and Deletions |

6-19-1 **SHORT TITLE.** This chapter shall be known as the City of Lake City, Iowa, Housing, and may be cited as such, and will be referred to herein as "this Ordinance".

6-19-2 **ADOPTION OF HOUSING CODE.** Pursuant to published notice and public hearing, as required by law, the Uniform Building Code, Volume III, Housing, 1967 Edition, as prepared by the International Conference of Building Officials, including the Appendix thereto, is hereby adopted in full except for such provision as may be hereinafter deleted, modified or amended. An official copy of said Uniform Building Code, Volume III, Housing, 1967 Edition, as adopted and a certified copy of this ordinance are on file in the office of the City Administrator/Clerk of the city.

6-19-3 **AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.** The following amendments, modifications, additions and deletions to the Uniform Building Code, Volume III, Housing, 1967 -Edition, are hereby made:

Delete all of the second paragraph of Section H204 of said Uniform Building Code, Volume III, Housing , 1967 Edition, and substitute the following therefore:

"Any person, firm, or corporation violating any of the provisions of this code shall be guilty of a misdemeanor and any said person shall be deemed guilty. of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than one hundred (100) dollars or by imprisonment of not more than thirty (30) days."

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 20 PROPERTY MAINTENANCE CODE

6-20-1	Title	6-20-10	Unsafe Structures
6-20-2	Scope	6-20-11	Emergency Measures
6-20-3	Intent	6-20-12	Demolition
6-20-4	Severability	6-20-13	Variances
6-20-5	Applicability	6-20-14	General Maintenance Requirements
6-20-6	Administration	6-20-15	Exterior Property Areas
6-20-7	Duties and Powers of the Code Official	6-20-16	Exterior Structure
6-20-8	Violations	6-20-17	Handrails and Guardrails
6-20-9	Notices and Orders	6-20-18	Rubbish and Garbage

6-20-1 **TITLE.** These regulations shall be known as the Property Maintenance Code of the City of Lake City, Iowa, hereinafter referred to as "this Code".

6-20-2 **SCOPE.** The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises in the City of Lake City, and constitute minimum maintenance requirements and standards for such premises and structures. This Code shall be deemed to be the "Housing Code" of the City of Lake City for the purposes of Iowa Code §657A .10A(3)(d).

6-20-3 **INTENT.** This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

6-20-4 **SEVERABILITY.** If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Code.

6-20-5 **APPLICABILITY.**

1. **General.** The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in Section SCOPE. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern. All structures in violation of the provisions of this Code are hereby declared to be public nuisances and shall be abated by repair or demolition in accordance with the procedures specified herein.

2. Maintenance. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures and premises. For purposes of this Code, the term "Owner" shall mean the person or entity having legal title to the property in question according to the records of the County Auditor, including the Conservator or other legal representative of any such person or entity, and the personal representative of a deceased person. In the case of a property subject to a land sale contract, the contract buyer shall be deemed to be the owner for purposes of this Code.
3. Existing Remedies. The provisions in this Code shall not be construed to abolish or impair any other remedies available to the city or its officers or agencies relating to the removal or demolition of any structure which is abandoned, a nuisance or otherwise dangerous or unsafe.
4. Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and Installed in accordance with the manufacturer's installation instructions.
5. Historic Buildings. The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings in the discretion of the Code Official.
6. Requirements Not Covered by Code. Requirements necessary for the strength, stability or proper maintenance of an existing structure, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Code Official.

6-20-6 ADMINISTRATION.

1. General. The Lake City, City Administrator/Clerk shall be designated as the "Code Official" for the purposes of this Code.
2. Deputies. In accordance with the prescribed procedures of the City, the Code Official shall have the authority to retain such engineers, inspectors or other necessary technical personnel as may be necessary to carry out the requirements of this Code.
3. Liability. The Code Official or any other employee or agent charged with the enforcement of this Code, while acting for the city, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of their official duties. Any suit Instituted against any person because of an act performed by that person in the lawful and good faith discharge of duties

and under the provisions of this Code shall be defended by the legal representative of the city until the final termination of the proceedings.

6-20-7 DUTIES AND POWERS OF THE CODE OFFICIAL.

1. General. The Code Official shall have primary responsibility for enforcing the provisions of this Code.
2. Rule-Making Authority. The Code Official shall have authority as necessary in the interest of public health, safety and general welfare, to interpret and implement the provisions of this Code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions.
3. Inspections. The Code Official shall review every structure or premises reported to be in violation of this Code, or otherwise brought to the attention of the Code Official. The Code Official is authorized to engage such experts as the Code Official deems necessary to examine and report on any structure believed to be in violation of this Code. If any such structure or premises is found to be in violation of the provisions of this Code, the Code Official shall give notice to the owner thereof in accordance with Section NOTICES AND ORDERS.
4. Notices and Orders. The Code Official shall issue all necessary notices or orders to ensure compliance with this Code.
5. Records. The City Administrator/Clerk shall keep records of all business and activities specified by the provisions of this Code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

6-20-8 VIOLATIONS.

1. Unlawful Acts. It is unlawful for the owner of any premises or structure to be in conflict with or in violation of any of the provisions of this Code.
2. Prosecution of Violation. Any person failing to comply with a notice of violation or order served in accordance with Section NOTICES AND ORDERS shall be deemed guilty of a municipal infraction. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of any order or direction made pursuant thereto.
3. Violation Penalties. Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state and local laws for municipal infractions. Each

day that a violation continues after due notice has been served shall be deemed a separate offense.

4. Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the city from instituting appropriate legal action to restrain, correct or abate a violation, or to prevent Illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, or utilization of the building, structure or premises.
5. Direct Abatement by City. In the event a violation of this chapter continues unabated after notice to the owner as provided herein, in addition to' any other remedies, the City may proceed to perform the necessary action to correct said violation(s). In such event, the City Administrator/Clerk shall notify the property owner of the total expenses incurred by the City, and if the amount shown in said notice is not paid within thirty (30) days, the City Administrator/Clerk shall certify those costs to the County Treasurer and such costs shall then be allocated with, and in the same manner as, general property taxes.

6-20-9 NOTICES AND ORDERS.

1. Notice to Person Responsible. Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed herein to the owner of the subject premises. If the Code Official has knowledge of an occupant of the subject premises other than the owner, a copy of said notice shall be sent to same.
2. Form. The notice shall:
 - a. Be in writing.
 - b. Include a description of the real estate sufficient for identification.
 - c. Include a statement of the violation or violations hereunder.
 - d. Include an order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
3. Method of Service. The notice shall be deemed to be properly served if a copy thereof is:
 - a. Delivered personally; or
 - b. Sent by certified mail (return receipt requested) to the last known address; and

- c. By posting a copy thereof in a conspicuous place on or about the structure that is the subject of such notice.
4. **Transfer of Ownership.** It Is unlawful for the owner of any dwelling unit or structure upon whom a notice of violation has been served to sell, transfer, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, or lessee, acknowledging the receipt of such notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such notice of violation.

6-20-10 UNSAFE STRUCTURES.

1. **General.** When a structure is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, such structure may be condemned pursuant to the provisions of this Code.
2. **Unsafe Structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure because such structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is likely.
3. **Structure Unfit for Human Occupancy.** A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, or because of the degree to which the structure Is In disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, electricity, sanitary or heating facilities or other essential utility services, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
4. **Closing of Vacant Structures.** If the structure is vacant and unfit for human habitation and occupancy, but does not appear to be in danger of structural collapse, the Code Official Is authorized to post a warning sign on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

5. Notice. Whenever the Code Official has determined that a violation has occurred at the structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment In accordance with Section NOTICES AND ORDERS.
6. Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be guilty of a misdemeanor.
7. Prohibited Occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be guilty of a misdemeanor.

6-20-11 EMERGENCY MEASURES.

1. Imminent Danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the City of Lake City." It is unlawful for any person to enter such structure without the permission of the City.
2. Temporary Safeguards. Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

3. Closing Streets. When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.
4. Emergency Repairs. For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs Incurred In the performance of emergency work shall be paid by the city. The legal counsel of the city shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

6-20-12 Demolition.

1. General. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.
2. Notice and Orders. All notices and orders shall comply with Section NOTICES AND ORDERS.
3. Failure to Comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons and the cost of such demolition and removal shall be charged to the owners of the premises involved, and may be levied as a special assessment against the land on which the building or structure is located, and shall be certified by the Code Official to the County Treasurer for collection in the manner provided for other taxes.
4. Salvage Materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

6-20-13 VARIANCES.

1. Modification. Whenever there are practical difficulties involved in carrying out this Code, the Code Official shall have the authority to grant modification for individual cases, provided the Code Official shall first find that special individual reasons makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not threaten health, life or fire safety. The details of action granting modifications shall be recorded and entered in the records.
2. Alternative Materials, Methods and Equipment. The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code. An alternative material or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose Intended at least the equivalent of that prescribed in this Code In quality, strength, effectiveness, fire resistance, durability and safety.

6-20-14 GENERAL MAINTENANCE REQUIREMENTS.

1. Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of owners for the maintenance of premises and structures.
2. Responsibility. The owner of the premises shall maintain the structure in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter.
3. Vacant Structures and Land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a problem or adversely affect the public health or safety.

6-20-15 EXTERIOR PROPERTY AREAS.

1. General. The exterior grounds of all premises shall be maintained in a clean, safe, and sanitary condition; free from litter, rubbish, or garbage of any kind. Lawn areas (other than cultivated gardens) shall be kept mown to a height not exceeding eight (8) inches. All other vegetation shall be trimmed and maintained so as not to Interfere with the use of adjoining sidewalks or public right-of way and so as not to become a health, safety, or fire hazard.

2. Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from conditions that endanger public health or safety.
3. Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
4. Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
5. Defacement of Property. No person shall damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

6-20-16 EXTERIOR STRUCTURE.

1. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
2. Protective Treatment. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
3. Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
4. Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
5. Exterior Walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

6. Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
7. Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
8. Overhang Extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
9. Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the Imposed loads.
10. Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
11. Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
12. Window, Skylight and Door Frames. The exterior of every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
13. Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition.
14. Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.
15. Guards for Basement Windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

6-20-17 HANDRAILS AND GUARDRAILS.

1. General. Every exterior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 Inches (1067mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 Inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.
2. Exception. Guards shall not be required where exempted by the applicable building Code.

6-20-18 RUBBISH AND GARBAGE.

1. Accumulation of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.
2. Infestations. All structures shall be kept free from insect and rodent infestation. All structures in which Insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 21 BILLBOARDS AND SIGNS

6-21-1	Purpose	6-21-11	Painting Required
6-21-2	Definitions	6-21-12	Wind Load Requirements
6-21-3	Prohibited Signs	6-21-13	Removal of Signs
6-21-4	Permits Required	6-21-14	Exemptions
6-21-5	Prohibited Signs Removed	6-21-15	Obstructions
6-21-6	Application for Erection Permit	6-21-16	Traffic Hazard
6-21-7	Illuminated Signs	6-21-17	Face of Sign
6-21-8	Permit Issued	6-21-18	Gooseneck Reflectors
6-21-9	Unsafe and Unlawful Signs	6-21-19	Spotlights and Floodlights
6-21-10	Permit Revocation		

6-21-1 **PURPOSE.** The purpose of this chapter is to provide that signs shall be safely constructed, kept in a safe condition, not be located as to cause a safety hazard, and that said signs shall be in keeping with surrounding improved areas and buildings and related esthetic considerations.

6-21-2 **DEFINITIONS.** For use in this chapter the following words and phrases are defined:

1. "Sign" shall mean and include every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, and temporary sign, and shall include any announcement, declaration, demonstration, display illustration, or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.
2. "Ground Sign" shall mean any sign supported by uprights or braces placed upon the ground and not attached to any building.
3. "Wall Sign" shall mean all flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear, or side wall of any building, or other structure.
4. "Roof Sign" shall mean any sign erected, constructed, and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
5. "Projecting Sign" shall mean any sign which is attached to a building or other structure and extends beyond the line of said building or structure or beyond the surface of that portion of the building or structure to which it is attached. All projecting signs shall be illuminated signs, as defined by this chapter.

6. "Illuminated Sign" shall mean any sign which has characters, letters, figures, designs, or outline has illuminated by electric lights or luminous tubes as a part of the sign proper.
7. "Facing of Surface" shall mean the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.
8. "Incombustible Material" shall mean any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
9. "Structural Trim" shall mean the molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.
10. "Erect" shall mean to build, construct, attach, hang, suspend, or affix, and shall also include painting or wall signs.
11. "Street Line": shall mean the place where the public sidewalk begins and the private property line ends.

6-21-3 PROHIBITED SIGNS. Signs hereinafter designated and described shall be prohibited:

1. Obsolete Signs. Such signs that advertise an activity, business, product or service no longer conducted on the premises on which the sign is located.
2. Banners, Balloons, Posters, Etc. Such signs which contain or consist of banners, balloons, posters, pennants, ribbons, streamers, spinners or other similarly moving devices. These devices when not part of any sign shall also be prohibited.
3. Swinging Signs. Such noticeably move as a result signs which swing or otherwise of wind pressure because of the manner of their suspension or attachment.
4. Portable Signs. Such signs that are not permanently anchored or secured to either a building or the ground.
5. Off-premises Signs on Public Property. Such off-premises signs located on public property which is being used for public purposes.
6. Painted Wall Signs. Such off-premises signs painted on building walls.
7. Fascia Signs. Such signs which encroach more than eighteen (18) inches on or over a street right-of-way or a required yard.

8. Building or Wall Signs. Such signs which extend more than four (4) feet above the roof line, except in areas where roof signs are permitted.

6-21-4 PERMITS REQUIRED. It shall be unlawful for any person to erect, repair, alter, relocate, or maintain any sign or other advertising structure as defined in, this chapter and above referred to, without first obtaining an erection permit from the city. Further with reference to the prohibited signs as hereinbefore described an extension of time more than one (1) year can be obtained only with the unanimous vote of the entire council as approved by the mayor.

6-21-5 PROHIBITED SIGNS REMOVED. All prohibited signs as hereinbefore described shall be removed within not more than 30 days unless extension permit is given by unanimous vote of the council.

6-21-6 APPLICATION FOR ERECTION PERMIT. Application for erection permits shall be made upon blanks provided by the City Administrator/Clerk, and shall contain or have attached thereto the following information:

1. Name, address, and telephone number of the applicant.
2. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
3. Position of the sign or other advertising structure in relation to nearby buildings or structures.
4. One blueprint or ink drawing of the plans and specifications and method of construction and attachment to the building or in the ground.
5. Copy or stress sheets and calculations showing, the structure is designed for dead load and wind pressure in any direction in the amount required by this ordinance and all other ordinances of the city.
6. Name of person, firm, corporation, or association erecting structure.
7. Written consent of the owner of the building, structure, or land on which the structure is to be erected.
8. Any electrical permit required and issued for said sign.
9. Such other information as the councilor building inspector shall require to show full compliance with this chapter and all other ordinances of the city.

6-21-7 ILLUMINATED SIGNS. The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the council. The council or building inspector shall examine the plans and specifications

respecting all wiring and connections to determine if the same complies with the Electrical Code of the city and he shall approve said permit if the said plans and specifications comply with said Code or disapprove the application if noncompliance with said code is found. This said action of the building inspector or council shall be taken prior to submission of the application to the council for final approval or disapproval of the erection permit.

6-21-8 PERMIT ISSUED. It shall be the duty of the council or building inspector, upon the filing of an application for an erection permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear \ that the proposed structure is in compliance with all the requirements of this chapter and all other ordinances of the city, they may issue the erection permit. If the work authorized under an erection permit has not been completed within six (6) months after the date of issuance, the said permit shall become null and void.

6-21-9 UNSAFE AND UNLAWFUL SIGNS. If the council or building inspector shall find that any sign or other advertising structure regulated hereunder is unsafe or insecure or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he shall give written notice thereof to the permit holder . Such notice shall include a statement explaining the alleged violations and deficiencies, an order to repair or remove said sign, and an explanation of the consequences of failure to comply with said order. If the permit holder fails to remove or alter said sign so as to comply with the other within ten (10) days after such notice, said sign or other advertising structure may be removed or altered to comply by the building inspector at the expense of the permit holder or owner of the property on which it is located. The permit holder may appeal the order of the building inspector to the council, and, if such an appeal is on file, the ten (10) day compliance period shall be extended until ten (10) days following the council's · decision on the matter. If, however, the building inspector finds that any sign or other advertising structure poses a serious and immediate threat to the health or safety of any person, he may order the removal of such sign summarily and without notice to the permit holder. Such an order may be appealed to the council, and if the council reverses, it shall order restitution at the city's expense.

6-21-10 PERMIT REVOCATION. Any permit holder who fails to comply with a valid order of the council or building inspector within the allotted time period, or who fails to pay reasonable removal or repair expenses assessed under the preceding section shall have his permit as to such sign or signs revoked, and another permit for the erection or maintenance of such sign or signs shall not be issued to said permit holder for a period of one (1) year from the date of revocation.

6-21-11 PAINTING REQUIRED. The owner of any sign as defined and regulated by this chapter shall be required to have properly painted at least once every two (2) years all parts and supports of the said sign, unless the same are galvanized or otherwise treated to prevent rust.

6-21-12 WIND LOAD REQUIREMENTS. All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than forty (40) pounds per square foot of area; and shall be constructed to receive dead loads as required in the building code or other ordinances of the city.

6-21-13 REMOVAL OF SIGNS. Any sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which sign may be found within ten (10) days after written notification from the building inspector, and, upon failure to comply with such notice within the time specified in such order, the building inspector is hereby authorized to cause removal of such signs, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

6-21-14 EXEMPTIONS. The provisions and regulations of this chapter shall not apply to the following signs, provided, however, said signs shall be subject to the provisions of section providing for permit revocations hereinbefore set forth.

1. Real estate signs not exceeding eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are located only.
2. Professional name plates not exceeding one (1) square foot in area".
3. Signs painted on the exterior surface of a building or structure, provided, however, if said signs have raised borders, letters, characters, decorations, or lighting appliances, they shall be subject to all applicable provisions of this chapter.
4. Bulletin boards not over eight (8) square feet in area for public, charitable, or religious institutions when the same are located on the premises of said institutions.
5. Signs denoting the architect, engineer, or contractor when placed upon work under construction, and not exceeding sixteen (16) feet in area.
6. Occupational signs denoting only the name and profession of an occupant in a commercial building, public institutional building, or dwelling house, and not exceeding two (2) square feet in area.
7. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
8. Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary emergency or non-advertising signs as may be approved by the council.

6-21-15 OBSTRUCTIONS. No sign shall be erected relocated or maintained so as to prevent free ingress to or egress from any door window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

6-21-16 TRAFFIC HAZARD. No sign or other structure as regulated by this chapter advertising shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign signal or device; or which makes use of the words "STOP," "LOOK," "DRIVE-IN," "DANGER," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic. No sign or other advertising structure as regulated by this chapter shall have posts, guides, or supports located within any street or alley.

6-21-17 FACE OF SIGN. All signs or other advertising structures which are constructed on street lines or within five (5) feet thereof shall have a smooth surface and no nails tacks or wires shall be permitted to protrude therefrom except electrical reflectors and devices which may extend over the top and in front of the advertising structures .

6-21-18 GOOSE NECK REFLECTORS. Goose neck reflectors shall be permitted on ground signs, roof signs, and wall signs, provided, however, the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign as to prevent glare upon the street or adjacent property.

6-21-19 SPOTLIGHTS AND FLOODLIGHTS. It shall be unlawful for any person to maintain any sign which extends over public property which is wholly or partially illuminated by floodlights or spotlights.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 22 SUBDIVISION REGULATIONS

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6-22-5	Platting Required	6-22-18	Design Standards General Requirements
6-22-6	Preliminary Plat Required; Contents	6-22-19	Improvements Required
6-22-7	Number of Copies and Scale	6-22-20	Completion of Improvements
6-22-8	Distribution of Plats	6-22-21	Guarantee of Completion of Improvements
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6-22-12	Submission of Final Plat; Failure to Submit	6-22-25	Enforcement
6-22-13	Final Plat; Contents	6-22-26	Changes and Amendments

6-22-1 **TITLE.** This chapter shall be known as the "Subdivision Regulations of Lake City, Iowa".

6-22-2 **PURPOSE.** It is deemed essential to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety, and general welfare of the public. It shall be the duty of the Lake City Planning and Zoning Commission to require that all regulations hereinafter set forth in this chapter be complied with, before giving their approval.

6-22-3 **JURISDICTION.** This chapter governing the subdivision and platting of land shall be in accord with Chapter 354, Code of Iowa, as amended, and apply within the corporate limits of the city and the unincorporated area within two (2) miles of its limits, as permitted by Chapter 354.9, Code of Iowa.

6-22-4 **DEFINITIONS.** For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and plural the singular; the word shall is mandatory, the word may is permissive, and the word he includes she.

1. Access Street: A street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from traffic.
2. Administrator: The City Administrator of Lake City, Iowa.
3. Alley: A public right-of-way which affords a secondary means of access to abutting property. Alleys shall be prohibited in new subdivisions.
4. Block: An area of land within a subdivision that is entirely bounded by streets, highways, or ways; and the exterior boundary or boundaries of the subdivision.
5. Building Line: Building lines shall be shown on all lots intended for residential use of any character, and for commercial and industrial lots when required by ordinance. Such building lines shall not be less than required by the Zoning Ordinance. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.
6. Commission: The Planning and Zoning Commission of Lake City, Iowa.
7. Council: The Lake City City Council.
8. Cul-de-sac: A short, minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
9. Design Standards: The specifications to land owners or subdividers for the preparation of plats, indicating among other things, the optimum, maximum and minimum dimensions of such items as right-of-way, blocks, easements, and lots.
10. Easement: A grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.
11. Engineer: An engineer is a registered engineer authorized to practice civil engineering as defined by the registration act of the State of Iowa.
12. Half Street: A one-half width street right-of-way on the boundary of a subdivision dedicated by the subdivider to the City for future development when another subdivision is platted along the side of the half street. Half streets are not permitted in new subdivisions.

13. Lot: A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
14. Major Street: A street used primarily for fast or large volume traffic.
15. Minor Street: A street used primarily for access to the abutting properties.
16. Performance Bond: A surety bond or cash deposit made out to the City in an amount equal to the full costs of the improvements which are required by this Ordinance, said cost being estimated by the City engineer. Said improvements will be constructed in accordance with this Ordinance.
17. Plat: A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends to be in final form to record.
18. Right-of-way: The area measured between property lines, dedicated to and accepted for public use and provided access to abutting properties.
19. Roadway: That portion of the street available for vehicular traffic, and measured from curb line.
20. Street: The entire width between the boundary lines of every right of way dedicated for public use for the purpose of vehicular and pedestrian traffic and placement of utilities and including the terms road, highway, land, place, avenue, or other similar designation.
21. Subdivider: A person, firm, corporation, partnership or other legal entity undertaking the subdivision, resubdivision of a tract or parcel of land.
22. Subdivision: A subdivision of land into three (3) or more lots for the purpose, whether immediate or future, of transfer of ownership or building development; or, any change in existing street lines or public easement. The term when appropriate to the context shall relate to the process of subdividing or to the land subdivided; or, the resubdivision of land heretofore divided or platted into lots or other divisions of land; or, if a new street is involved, any division of land, and as further defined in Chapter 354, Code of Iowa,
23. Surveyor: A registered surveyor authorized to practice surveying as defined by the registration act of the State of Iowa.

6-22-5 PLATTING REQUIRED. Every original proprietor of any tract or parcel of land within the City who has subdivided or intends to subdivide the same into three (3) or more parts shall cause a registered land surveyor's plat of the subdivision or area to be made by a

registered land surveyor holding a certificate issued under the laws of the State in the form and containing the information set forth in this chapter. The owner shall comply with all reasonable requirements in regard to installation of public utilities, or other requirements in regard to installation of public utilities, or other requirements in this chapter as the Council may deem requisite for the protection of the public interest.

6-22-6 PRELIMINARY PLAT REQUIRED; CONTENTS. The purpose of the preliminary plat of a subdivision is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the stand point of the public interest. The contents of the preliminary plat shall be as follows:

1. Vicinity Sketch. A vicinity sketch at a legible scale shall show the relationship of the plat to its general surroundings.
2. Subdivision Boundaries. The boundaries of the proposed subdivision shall be indicated by heavy lines.
3. Proposed Name. The proposed name of subdivision shall not duplicate or resemble existing plat names.
4. Legal Description. Legal description of the property.
5. Adjacent Owners. Name of adjacent subdivisions or property owners if the adjoining property is unplatted.
6. Zoning. Existing and proposed zoning of the proposed subdivision and adjoining property.
7. Persons Responsible. Names and addresses of the owner; subdivider; engineer, surveyor or architect who prepared the preliminary plat; and the engineer, surveyor or architect who will prepare the final plat.
8. Layout. Proposed lot lines with approximate dimensions and the square foot area of lots; Lot numbers; Areas dedicated for public use.
9. Setbacks. Building setback lines.
10. Easements. Location and character of all existing easements and those proposed to be provided by the owner for utility purposes.
11. Existing Buildings. Location of existing permanent buildings within the platted area and fifty (50) feet thereof.

12. Streets, and Sidewalks. Present and proposed streets and sidewalks, with their right-of-way, in or adjoining the subdivision; including dedicated widths, approximate gradients, types and widths of surfaces, curbs and planting strips, and location of street lights.
13. Utilities. Present and proposed utility systems, including sanitary and storm sewers, and other drainage facilities, water lines, gas mains, electrical utilities, and other facilities, with the size, capacity, invert elevation and location of each.
14. Contours. Existing and proposed tentative contours at intervals adequate to portray existing and proposed conditions, preferably at five foot intervals, along with the location of natural water courses, bridges, wooded areas, and such other topographical features as are pertinent.
15. Protective Covenants. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
16. Unavailability of Public Sewer. Any plat that cannot reasonably be served by the public sewer shall show results of soil percolation tests made by the Engineer preparing the plat.
17. Gas and Electricity. A written statement by the appropriate officials shall state the availability of gas and electricity to the proposed subdivision.

6-22-7 NUMBER OF COPIES AND SCALE. The subdivider shall first prepare and file with the City Administrator, seven (7) copies of a preliminary plat conforming in detail to the requirements set forth in this Ordinance. Eight (8) copies of the preliminary plat shall be submitted for subdivisions in the unincorporated area within two miles of the City limits. The plat shall comply with all requirements of Chapter 354, Code of Iowa. The required number of copies of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall not be less than one (1) inch equals fifty (50) feet.

6-22-8 DISTRIBUTION OF PLATS. The City Administrator shall forthwith refer one (1) copy of the preliminary plat to the street superintendent and five (5) copies to the Commission, retaining one (1) copy for the City Administrator's office. In the case of subdivision outside the corporate limits of the city, the City Administrator shall refer one (1) copy of the preliminary plat to the County Board of Supervisors and keep the County Engineer advised of the status of the plat and actions taken thereon.

6-22-9 EXAMINATION BY CITY COUNCIL. The City Council shall carefully examine said preliminary plat as to its compliance with the laws and ordinances of the City, the existing street system, sound engineering practices, and shall within thirty (30) days, submit its finding to the Commission.

6-22-10 ACTION BY COMMISSION; MODIFICATIONS. After receiving the Council's report and any comments from the County in relation to those subdivisions outside the corporate limits, the Commission shall study the preliminary plat and other material for conformity thereof to these regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made by the subdivider. The Commission shall conclude its study of the preliminary plat, at its discretion hold a public hearing, and shall approve or disapprove the preliminary plat within sixty (60) days after the preliminary plat is first submitted to the City. In the event that substantial changes or modifications are required by the Commission before making tentative approval, the Commission may cause the revised preliminary plat to be returned to the owner and resubmitted at a later date in the same manner as provided for the preliminary plat.

6-22-11 TENTATIVE APPROVAL; NOT FINAL. If approved, the Commission and Council shall express their approval as "tentative approval" and state the conditions of such approval, if any. Upon approval of the preliminary plat by the Commission, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under these regulations. Approval of the preliminary plat by the Commission is revocable and does not constitute final plat approval of the subdivision by the Council or the Council's authorization to proceed with construction of improvements to the subdivision. The approval of the preliminary plat by the Commission shall be null and void unless the final plat is presented to the City Administrator within twelve (12) months of the tentative approval.

6-22-12 SUBMISSION OF FINAL PLAT; FAILURE TO SUBMIT. The owner shall, within one year following the tentative approval of the preliminary plat, prepare and file the plat and other required documents as herein set forth, and upon failure to do so within the time specified, the tentative approval shall become null and void, unless an extension of time is applied for and granted by the Commission and Council.

6-22-13 FINAL PLAT; CONTENTS. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he/she proposes to record and develop at the time, provided that such portion conforms to all requirements of these regulations. The final plat shall show the following:

1. Title. The title under which the subdivision is to be recorded.
2. Linear Dimensions. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, and streets.
3. Street Names. Streets that are continuations of present streets should bear the same name. If new names are needed they should be distinctive. Street names may be required to conform to the city plan.

4. Monuments and Markers. Location, type, materials, and size of all monuments and markers, including all US county or other official benchmarks.
5. Easements. Location, dimensions, and purpose of any easement.
6. Identification Numbers. Number to identify each lot or site and block.
7. Dedicated Areas. Purpose for which sites, other than residential lots, are dedicated or reserved.
8. Building Lines. Minimum building lines in zoned areas, and proposed building lines in all other areas.
9. Signature. The plat should be signed and acknowledged by the subdivision land owner and his or her spouse.
10. Certificate. A sealed certificate of the accuracy of the plat by the professional engineer or land surveyor who drew the final plat.

6-22-14 FINAL PLAT ATIACHMENTS. The final plat shall have the following attached to it:

1. Land Description. A correct description of the subdivision land.
2. Owners Certification. A certificate by the owner and spouse, if any, that the subdivision is with free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before an officer authorized to take the acknowledgment of deeds.
3. Easements. Three (3) copies of all easements for utility or other purposes.
4. Dedication. A certificate of dedication of streets and other public property, along with creditor's consent to platting and release of streets, easements, and other public parcels.
5. Restrictions. Deed of Restrictions applicable to the platted property.
6. Title Opinion. Title opinion by the owner's attorney.
7. Special Assessment. Plan of division of special assessment, if any.
8. Action Documents. Three (3) copies of a proposed resolution to be adopted by the Commission approving the final plat and accepting lands to be dedicated for public use. Three (3) copies of a proposed resolution to be

adopted by the Council approving the final plat and accepting land to be dedicated for public use.

9. Proposed Agreement. Three (3) copies of a proposed form of agreement to be entered into between the owner and the City providing for the grading of streets and the installation of required utility improvements within the platted area and a time limit for completing the work. The agreement shall be drafted at the owner's expense and must be approved and signed by the City.
 - The agreement shall provide that if any improvement required in this chapter has not been installed and accepted by the City prior to the approval of the final plat by the Council, the owner shall, before the final approval of the plat, file a corporate surety bond or certified check with the City Administrator in an amount not less than the City's certified estimate of cost of construction or completing of the improvements, including an estimated inspection charge. The agreement will further provide that the bond or certified check shall be retained by the City until the work is completed, as a guarantee that the work will be completed in an acceptable manner within the time specified in the agreement between the owner and the City.
 - However, if the owner is to receive assistance of any type from the City then the agreement will provide that the City will not give the assistance until the grading of streets and installation of the required utility improvements within the platted area are completed.
 - The agreement will further provide that the grading of streets and installation of the required utility improvements within the platted area will be completed within twenty-four (24) months and prior to the initiation of construction of any other improvements, such as structures of any kind, within the platted area.
 - The agreement shall further provide that the owner will file restrictive covenants as part of the subdivision procedure which contain such restrictions on the construction of such other improvements.
 - The agreement will further provide that the owner will initiate proceedings, at his/her own expense, to vacate the subdivision if the grading of streets and all of the required utility improvements are not completed within twenty-four (24) months after the City's final approve of the subdivision plat.
 - The agreement will further provide that the owner will make the City his/her attorney-in-fact or agent for the purpose of completing the vacation procedure in the event he/she is unable or refuses to do so.

- The agreement shall provide that the ownership of the improvements, when accepted by the City, shall be vested in the City.

6-22-15 FINAL PLAT; NUMBER OF COPIES AND SCALE. The same scale, number of copies, and distribution procedures will apply to the final plat as with the preliminary plat (refer to 6-22-7; 6-22-8). One copy of the final plat capable of permanent reproduction on a copy machine.

6-22-16 ACTION BY COMMISSION. The Commission shall, within thirty (30) days, approve or disapprove the plat. In the event that substantial changes or modifications are required by the Commission before making final approval, the Commission may cause the revised final plat to be returned to the owner and resubmitted at a later date in the same manner. If the plat is approved, the Commission shall submit its recommendation of approval to the Council, together with a copy of their resolution showing action of the Commission.

6-22-17 ACTION BY COUNCIL. Upon receipt of the resolution by the Commission, the Council shall, within thirty (30) days, either approve or disapprove the final plat.

1. Disapproval. In the event that said plat is disapproved by the Council, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.
2. Acceptance. The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat.
3. Recording. The subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of Calhoun County, Iowa, as provided in Chapter 354, Code of Iowa, and amendatory acts thereto, and shall file satisfactory evidence of such recording in the office of the Administrator before the City shall recognize the plat as being in full force and effect.

6-22-18 DESIGN STANDARDS GENERAL REQUIREMENTS. The following requirements shall be followed by all subdividers:

1. Streets
 - a. Relation to Existing Streets. The streets within the area being platted shall conform as nearly as practicable to the alignment and width of existing streets in adjacent platted areas and shall be in conformance with the official City plan.

- b. Acreage Tracts. When land is subdivided into acreage tracts, it shall be so subdivided as to allow for the future streets and the extension of the existing street system through the area.
- c. Cul-de-sac. Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than five hundred (500) feet and shall terminate with a turn-around, having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet.
- d. Half Street prohibited. Half streets are prohibited except where an existing half street has been dedicated on the boundary of the proposed subdivision.
- e. Intersections. Streets should be planned to intersect at right angles, except where topography or other considerations justified variations. Such variations shall not contain an interior angle of less than 45 degrees. More than four (4) approaches to an intersection are prohibited.
- f. Street Names. Streets that are in alignment with others already existing and names shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the city planning and zoning commission.
- g. Width of Streets. The minimum right-of-way and roadway widths for streets are as follows:

<u>TYPE</u>	<u>RIGHT-OF-WAY</u>	<u>ROADWAY WIDTH</u>
Major Streets	80 Feet	44 Feet
Minor Streets	66 Feet	32 Feet

- h. Horizontal Alignment. The minimum radii of horizontal curves shall be three hundred (300) feet on major streets and one hundred (100) feet on minor streets.
- i. Deed. A deed to the City of Lake City shall be given for all streets before the same will be accepted for city maintenance.

2. Blocks.

- a. No block may be more than one thousand three hundred and twenty (1,320) feet or less than five hundred (500) feet in length between the center lines of intersection streets, except where, in the opinion of the

Commission, extraordinary conditions unquestionable justify a departure from these limits.

- b. Crosswalks may be required by the City in blocks over seven hundred (700) feet long or in areas where curved streets require excessive out of the way travel. If required, they shall be constructed by the developer. Rights-of-way for crosswalks shall not be less than ten (10) feet, nor more than forty-five (45) feet.
- c. Where blocks with lots deeper than two hundred and fifty (250) feet are proposed, a reservation for a future street through the middle of the block, longitudinally, may be required.

3. Lots.

- a. The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- b. Minimum lot dimensions and sizes shall conform to the requirements of the zoning ordinance. Provided:
 - Residential lots where not served by public sewer shall not be less than eighty (80) feet wide nor less than ten thousand (10,000) square feet in area.
 - Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
 - Comer lots for residential use shall have an extra ten (10) feet of width to permit appropriate building setback from one orientation to both streets.
- c. The subdividing of the land shall be such as to provide, by means of public street, each lot with satisfactory access to an existing public street.
- d. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages to topography and orientation. A planting screen easement of at least ten (10) feet and across which there shall be no right of access, shall be provided along

the line of lots abutting such a traffic artery or other disadvantageous use.

- e. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
4. Building Lines. Building lines shall be shown on all lots within the platted area, and shall conform with the zoning standards, except where the subdivision is not under zoning control, in which case the Commission may require building lines in accordance with the needs of each subdivision.
5. Easements.
- a. The owner shall before the plat is accepted, grant an easement of not less than five (5') feet to the City on each side of all rear and side lot lines where necessary for public utility requirements. Easements of greater width may be required along lot lines or across lots when necessary for the extension of main sewers or other utilities. Subdividers shall secure the required information regarding utility easements from the office of the Administrator before filing the final plat.
 - b. Utility easements shall convey to the City, its successors and assignees, the perpetual right within the areas shown on the plat and described in the easement to construct, reconstruct, operate and maintain electric lines consisting of poles, wires, cables, conduits, fixtures, anchors and other similar equipment, including the right to trim or remove trees within the areas where necessary to secure a clearance of four (4') feet from the wires or poles, together with the right to extend to any telephone, telegraph, electric or power company the right to use separately or jointly with the City the areas included in the easement for the purposes above enumerated.
 - c. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at his/her own expense, make adequate provision for widening the channel so it will properly carry the surface water, and shall provide an easement to the City an easement along each side of the stream, which easement shall be for the purpose of installation of public utilities. The waterway easement shall be adequate to provide for these purposes, and said easement shall be a minimum of twenty (20) feet on each side plus stream design width and a total width adequate to provide any necessary channel straightening or relocations.

6-22-19 IMPROVEMENTS REQUIRED. The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the city and to its satisfaction. The grading of streets and the required utility improvements within the platted area will be completed by the owner prior too the initiation of construction of any other improvements, such as structures of any type, within the platted area. The City has the right to inspect and assure quality prior to acceptance of the improvements.

1. Monuments and Staking. Monuments shall be placed at all corners and angle points of the external boundaries of a subdivision, but no further than one-quarter mile apart. They shall also be placed at block corners, points of curve, change in direction along lot lines, and at each lot corner in accordance with the Code of Iowa, Chapters 354, 355, and 542B.
2. Street Grades/Curb and Gutter. The owner of land being platted shall at said owner's expense provide the grading of the entire street area and provide the curbs and gutters. The street improvement shall be constructed in accordance with the plans and specifications of the City, and shall adequately reflect the classification of the street, its location and anticipated volume of traffic. The installation of the streets is under the supervision of the City and the owner may be required to pay a reasonable charge for the engineering and inspection service.
3. Roadways. All roadways shall be surfaced with 6" Portland cement or with 3" asphaltic concrete over a 4" crushed stone base as the Commission and the Council may require, as dictated by the proposed use of the street and as recommended by the city.
4. Water Lines. The subdivider shall at his expense provide the subdivision with a complete water main supply system including hydrants, valves, and other appurtenances which shall be extended into and through the subdivision to the boundary lines, and which shall provide a water connection for each lot, and shall be connected to the city water system. Fire hydrants shall be uniform throughout the subdivision and shall meet the design standards approved by the City Council. Where oversized mains are required to serve other areas of the watershed, the additional cost shall be borne by the City or assessed on an equal basis to the properties served. Upon completion and approval by the City, the system shall become property of the City.
5. Sanitary Sewers. Where a public sanitary sewer is reasonably accessible, the city shall require the owner of the land being platted to make adequate provision for the disposal of sanitary sewage from the platted area. At the owners expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, manholes and other necessary appurtenances shall be constructed 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 sewerage system shall be constructed in accordance with the plans and specifications of the City and at the sewer grades as established by the City. The installation of the sewers shall be under the supervision and inspection of the City and the owner may be required to pay a reasonable charge for the engineering and inspection services. The above mentioned facilities for the collection and disposal of sanitary sewage from the platted area shall, upon final approved and acceptance by the City, become the property of the City. Where sanitary sewers are not available, other facilities as approved by the city council and the County Sanitarian must be provided for the adequate disposal of sanitary wastes.

6. Storm Sewers. The owner of the land being platted shall, at owner's expense 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 the plans and specifications of the City and at sewer grades established by the City. The installation of the sewers shall be under the supervision and inspection of the City, and the owner may be required to pay a reasonable charge for the engineering and inspection service. The sewers shall become property of the City, upon inspection, approval, and acceptance by the City.
7. Additional Duties of Owner; Grading and Seeding, Sidewalks, Street Lighting. The owner of the land being platted is responsible for the grading and seeding of the parking areas, street lighting, and, if required by the City, the construction of sidewalks within the street areas. All such installations shall be constructed under the direction and supervision of the City. Sidewalks shall be constructed in accordance with the design, specifications, and grade established by the city council.

6-22-20 COMPLETION OF IMPROVEMENTS. Before the City Council will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Before passage of said resolution of acceptance, the City Administrator shall report that said improvements meet all city specifications and ordinances or other city requirements, and the agreements between the subdivider and the city.

6-22-21 GUARANTEE OF COMPLETION OF IMPROVEMENTS. If any improvements required in this chapter have not been installed and accepted by the City prior to the approval of the final plat by the Council, the owner shall, before the final approval of the plat, file a corporate surety bond or certified check with the city Administrator in an amount not less than the City's certified estimate of cost of construction for the completion of the improvements, including an estimated inspection charge. The bond or certified check shall be retained by the City until the work is completed, as a guarantee that the work will be completed in an acceptable manner within twenty-four (24) months of approval of the final

plat. However, final approval of the plat will not constitute final acceptance by the city of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the city.

6-22-22 VARIANCES. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirement of this chapter would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the Council may vary, modify or waive the requirements so that substantial justice may be done and the public interest 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 minimal easing of the requirements and in no instance shall it be in conflict with any zoning ordinance and such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of City Council.

6-22-23 BUILDING PERMITS. No permits for building, repair or occupancy shall be issued for any structure on a site or tract of land which has not been approved in accordance with this chapter and the statutes of the State of Iowa.

6-22-24 FEES. There shall be a filing fee of twenty-five (25) dollars accompanying the submission of the preliminary plat and ten (10) dollars filing fee for the final plat. These fees shall be paid to the general fund of the city.

6-22-25 ENFORCEMENT. No plat or any subdivision shall be recorded in the county recorder's office or have any validity until it has been approved in the manner prescribed herein. The council shall not permit any public improvements over which it had control to be paid from city funds, or any city money expended for improvements or maintenance, of any street in any area that has been subdivided after the date of adoption of these regulations, unless such subdivision and streets have been approved in accordance with the provisions made herein and accepted by the City Council as a public street.

6-22-26 CHANGES AND AMENDMENTS. Any regulations or provisions of this regulation may be changed or amended from time to time by the City Council, provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published at least once, not less than four (4) nor more than twenty (20) days before the date of the hearing.

Editor's Note: Original ordinance passed 07/20/1998.

TITLE VII SPECIAL ORDINANCES

CHAPTER 1 ELECTRICAL FRANCHISE

7-1-1	Franchise Granted	7-1-9	Relocation Reimbursement
7-1-2	Rights and Privileges	7-1-10	Indemnification
7-1-3	Poles and Wires	7-1-11	Project Information
7-1-4	Vegetation Pruning or Removal	7-1-12	Applicable Regulations
7-1-5	Construction and Maintenance	7-1-13	Quality and Quantity
7-1-6	Excavation	7-1-14	Franchise Fee
7-1-7	Vacation	7-1-15	City Fees
7-1-8	Relocation	7-1-16	Termination

7-1-1 **FRANCHISE GRANTED.** There is hereby granted to MidAmerican Energy Company, an Iowa corporation, (hereinafter called the "Company,") and its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain and operate in the City of Lake City, Iowa, (hereinafter called the "City,") a system for the transmission and distribution of electric energy and communications signals along, under, over and upon the streets, avenues, alleys and public places to serve customers within and without the City, and to furnish and sell electric energy to the City and its inhabitants. For the term of this franchise, the Company is granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company. This franchise shall be effective for a twenty-five (25) year period from and after the effective date of this ordinance.

7-1-2 **RIGHTS AND PRIVILEGES.** The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 2015 or as subsequently amended or changed.

7-1-3 **POLES AND WIRES.** The Company shall have the right to erect all necessary poles and to place thereon the necessary wires, fixtures and accessories as well as excavate and bury conductors for the distribution of electric energy and communications signals in and through the City, but all said conduits and poles shall be placed as not to unreasonably interfere with any above and below-ground utility services or facilities which have been or may hereafter be located by or under authority of the City.

7-1-4 **VEGETATION PRUNING OR REMOVAL.** The Company is authorized and empowered to prune or remove at Company expense any vegetation extending into any street, alley or public grounds to maintain electric reliability, safety, to restore utility service and to prevent inference with the wires and facilities of the Company. Any such pruning and removal shall be done in accordance with current nationally accepted safety and utility industry standards and federal and state law, rules and regulations.

7-1-5 CONSTRUCTION AND MAINTENANCE. The Company shall, excluding facilities located in private easements (whether titled in Company exclusively or in Company and other entities), in accordance with Iowa law including Company's tariff on file with and made effective by the Iowa Utilities Board as may subsequently be amended ("Tariff"), at its cost and expense, locate and relocate its existing facilities or equipment located in, on, over or under the right-of-way of any public street or alley in the City in such a manner as the City may reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley of such street or alley. The City and the Company shall work together to develop a suitable alternative route or construction method so as to eliminate or minimize the cost and expense to the company of relocation of company installations. The City shall be responsible for surveying and staking the right-of-way for City projects that require the Company to relocate Company facilities. If requested, the City shall provide, at no cost to the Company, copies of the relocation plan and profile and cross section drawings. If tree removals must be completed by the City as part of the City's project and are necessary whether or not utility facilities must be relocated, the City at its own cost shall be responsible for said removals. If the timing of the tree removals does not coincide with the Company facilities relocation schedule and the Company must remove trees that are included in the City's portion of the project, the City shall either remove the trees or reimburse the Company for the expenses incurred to remove said trees. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City may attempt to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

7-1-6 EXCAVATIONS. In making excavations in any public right-of-way and other public places for the installation, maintenance or repair of conductor, conduits or the erection of poles and wires or other appliances, the Company shall not unreasonably obstruct the use of the streets or public places, and shall restore the surface to the condition as existed prior to the Company work. The Company shall not be required to restore or modify public right of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition or to a condition required for the City to comply with city, state or federal rules, regulations or law. Company agrees any replacement of road surface shall conform to current City code regarding its depth and composition.

7-1-7 VACATION. Vacating a street, avenue, alley, public ground or public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities on, below, above, or beneath the vacated property. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has electric facilities in the vicinity, the City shall provide Company with not less than sixty (60) days advance notice of the city's proposed action and, upon request grant the Company a utility easement covering existing and future facilities and activities. If the City fails to grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public ground, the City shall at its cost and expense obtain easements for existing Company facilities.

7-1-8 RELOCATION. The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right of way that have been relocated at Company expense at the direction of the City in the previous ten (10) years.

7-1-9 RELOCATION REIMBURSEMENT. Pursuant to relocation of Company facilities as may be required by Sections 7-1-3, 7-1-5, 7-1-6, 7-1-7 and 7-1-88, if the City orders or requests the Company to relocate its existing facilities or equipment in order to facilitate the project of a commercial or private developer or other non-public entity, the City shall reimburse or the City shall require the developer or non-public entity to reimburse the Company for the cost of such relocation as a precondition to relocation of its existing facilities or equipment. The Company shall not be required to relocate in order to facilitate such private project at its expense.

7-1-10 INDEMNIFICATION. The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, to the extent caused or occasioned by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the electric facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages to the extent arising from the negligence of the City, its officers, employees or agents.

7-1-11 PROJECT INFORMATION. Upon reasonable request, the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right of way, of all equipment which it owns or over which it has control that is located in the public right of way, including documents, maps and other information in paper or electronic or other forms ("Information"). The Company and City recognize the Information may in whole or part be considered a confidential record under state or federal law or both. Upon receipt of a request from a third party for information concerning information about the Company's facilities within the City, the City will promptly submit same to Company. If the Company believes any of the information requested constitutes a trade secret which may otherwise be protected from public disclosure by state or federal law, or otherwise exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, or Chapter 22 of the Code of Iowa, as such statutes and regulations may be amended from time to time, then the Company shall provide the City with a written explanation of the basis for such assertion of confidentiality or exemption from disclosure within ten (10) days.

7-1-12 APPLICABLE REGULATIONS. The Company shall construct, operate and maintain its facilities in accordance with the applicable regulations of the Iowa Utilities Board or its successors and Iowa law.

7-1-13 QUALITY AND QUANTITY. During the term of this franchise, the Company shall furnish electric energy in the quantity and quality consistent with and in accordance with the applicable regulations of the Iowa Utilities Board, the Company's tariff and made effective by the Iowa Utilities Board or its successors and Iowa law.

7-1-14 FRANCHISE FEE. A franchise fee is imposed upon, and shall be collected from the retail electric customers of the Company receiving service, pursuant to the Tariff, located within

the corporate limits of the City and remitted by the Company to the City. The franchise fee shall be imposed upon the gross receipts, minus uncollectible accounts, derived by the Company from the delivery and sale of electric energy to customers within the corporate limits of the City:

1. Fees
 - a. Residential Customers: 3 percent
 - b. Non-Residential Customers: 3 percent
2. The City may, as allowed by Iowa law, exempt customer classes of sales from imposition of the franchise fee, or modify, decrease or eliminate the franchise fee. The City reserves the right to cancel any or all the franchise fee exemptions and also reserves the right to grant exemptions to customer classes in compliance with Iowa law and Section 16 of this chapter. The City does therefore exempt the customer classes or customer groups shown below franchise fees.
 - a. Customer classes initially exempted by the City: City Accounts
3. The City agrees to modify the level of franchise fees imposed only once in any 24-month period. Any such ordinance exempting classes of customers, increasing, decreasing, modifying or eliminating the franchise fee shall become effective, and billings reflecting the change shall commence on an agreed upon date which is not less than sixty (60) days following written notice to the Company by certified mail. The Company shall not be required to implement such new ordinance unless and until it determines that it has received appropriate official documentation of final action by the city council.
4. The City recognizes the administrative burden collecting franchise fees imposes upon the Company and the Company requires lead time to commence collecting said franchise fees. The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90) days of receipt of information required of the City to implement the franchise fee, including the City's documentation of customer classes subject to or exempted from City-imposed franchise fee. The City shall provide the information and data required in a form and format acceptable to the Company. The Company will, if requested by the City, provide the City with a list of premises considered by the Company to be within the corporate limits of the City.
5. The City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. The City shall be solely responsible for notifying Company of its corporate limits, including, over time, annexations or other alterations thereto, and customer classes that it wishes to subject to, or to the extent permitted by law, exempt from paying the franchise fee. The City shall provide to the Company, by certified mail, copies of

annexation ordinances in a timely manner to ensure appropriate franchise fee collection from customers within the corporate limits of the City. The Company shall have no obligation to collect franchise fees from customers in annexed areas until and unless such ordinances have been provided to the Company by certified mail. The Company shall commence collecting franchise fees in the annexed areas no sooner than sixty (60) days after receiving annexation ordinances from the City.

6. The City shall indemnify the Company from claims of any nature arising out of or related to the imposition and collection of the franchise fee. In addition, the Company shall not be liable for collecting franchise fees from any customer originally or subsequently identified, or incorrectly identified, by the City as being subject to the franchise fee or being subject to a different level of franchise fees or being exempt from the imposition of franchise fees.
7. The Company shall remit franchise fee revenues to the City no more frequently than on or before the last business day of the month following each quarter as follows.
 - a. January, February, and March
 - b. April, May, and June
 - c. July, August, and September
 - d. October, November, and December

The Company shall provide City with notice at least thirty (30) days in advance of any changes made in this collection schedule, including any alterations in the calendar quarters or any other changes in the remittance periods.

8. The City recognizes that the costs of franchise fee administration are not charged directly to the City and agrees it shall, if required by the Company, reimburse the Company for any initial or ongoing costs incurred by the Company in collecting franchise fees that Company in its sole opinion deems to be in excess of typical costs of franchise fee administration.
9. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from City customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

10. The obligation to collect and remit the fee imposed by this ordinance is modified or repealed if:
 - a. Any other person is authorized to sell electricity at retail to City consumers and the City imposes a franchise fee or its lawful equivalent at zero or a lesser rate than provided in this ordinance, in which case the obligation of Company to collect and remit franchise fee shall be modified to zero or the lesser rate;
 - b. The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling electricity at retail to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of electricity within the City; or
 - c. Legislation is enacted by the Iowa General Assembly or the Supreme Court of Iowa issues a final ruling regarding franchise fees or the Iowa Utilities Board issues a final non-appealable order (collectively, "final franchise fee action") that modifies, but does not repeal, the ability of the City to impose a franchise fee the ability of Company to collect from City customers and remit franchise fees to City. Within 60 days of final franchise fee action, the City shall notify Company and the parties shall meet to determine whether this ordinance can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After final franchise fee action and until passage by the City of revisions to the franchise fee ordinance, Company may temporarily discontinue collection and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.
11. The other provisions of this ordinance to the contrary notwithstanding, the Company shall be completely relieved of its obligation to collect and remit to the City the franchise fee as, effective as the date specified below with no liability therefore under each of any of the following circumstances as determined to exist in the sole discretion of Company:
 - a. Any of the imposition, collection or remittance of a franchise fee is ruled to be unlawful by the Supreme Court of Iowa, effective as of the date of such ruling or as may be specified by that Court.
 - b. The Iowa General Assembly enacts legislation making imposition, collection or remittance of a franchise fee unlawful, effective as of the date lawfully specified by the General Assembly.

- c. The Iowa Utilities Board, or its successor agency, denies the Company the right to impose, collect or remit a franchise fee provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the final agency order from which the appeal is taken.

7-1-15 CITY FEES. The City shall not, pursuant to Chapter 480A.6 of the Code of Iowa, impose or charge right of way management fees upon the Company or fees for permits for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters.

7-1-16 TERMINATION. Either City or Company ("party") may terminate this franchise if the other party shall be materially in breach of its provisions. Upon the occurrence of a material breach, the non-breaching party shall provide the breaching party with notification by certified mail specifying the alleged breach. The breaching party shall have sixty (60) days to cure the breach, unless it notifies the non-breaching party, and the parties agree upon a longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate this franchise. A party shall not be considered to be in breach of this franchise if it has operated in compliance with state or federal law. A party shall not be considered to have breached this franchise if the alleged breach is the result of the actions of a third party or the other party.

TITLE VII SPECIAL ORDINANCES

CHAPTER 2 GAS FRANCHISE

7-2-1	Franchise Granted	7-2-10	Project Information
7-2-2	Rights and Privileges	7-2-11	Applicable Regulations
7-2-3	Pipes, Mains and Conduit	7-2-12	Quality and Quantity
7-2-4	Construction and Maintenance	7-2-13	Police Regulations
7-2-5	Excavation	7-2-14	Franchise Fee
7-2-6	Vacation	7-2-15	Obligation to Collect
7-2-7	Relocation	7-2-16	City Fees
7-2-8	Relocation Reimbursement	7-2-17	Termination
7-2-9	Indemnification		

7-2-1 **FRANCHISE GRANTED.** There is hereby granted to MidAmerican Energy Company, an Iowa corporation, (hereinafter called "Company") and to its successors and assigns the right and franchise to acquire, construct, erect, maintain and operate in the City of Lake City, Iowa, (hereinafter called the "City") a gas distribution system, to furnish natural gas along, under and upon the right-of-way, streets, avenues, alleys and public places to serve customers within and without the City and to furnish and sell natural gas to the City and its inhabitants. For the term of this franchise, the Company is granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company. This franchise shall be effective for a twenty-five (25) year period from and after the effective date of this ordinance.

7-2-2 **RIGHTS AND PRIVILEGES.** The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 2015, or as subsequently amended or changed.

7-2-3 **PIPES, MAINS, AND CONDUITS.** Company shall have the right to excavate in any public street for the purpose of laying, relaying, repairing or extending gas pipes, mains, conduits, and other facilities provided that the same shall be so placed as not to unreasonably interfere with any above or below-ground utility services or facilities which have been or may hereafter be located by or under authority of the City.

7-2-4 **CONSTRUCITON AND MAINTENANCE.** The Company shall, excluding facilities located in private easements (whether titled in Company exclusively or in Company and other entities), in accordance with Iowa law including Company's tariff on file with and made effective by the Iowa Utilities Board as may subsequently be amended ("Tariff") at its cost and expense, locate and relocate its existing facilities or equipment in, on, over, or under any public street or alley in the City in such a manner as the City may reasonably require for the purposes of facilitating the construction reconstruction, maintenance or repair of the street or alley. Relocation expenses for other hard surfaces, including pedestrian and non-motorized vehicle pathways, will be paid by the City. If the City has a reasonable alternative route for the street,

alley or public improvements or an alternative construction method, which would not cause the relocation of the Company installations, the City shall select said alternative route, or construction method. The City shall be responsible for surveying and staking the right-of-way for City projects that require the Company to relocate Company facilities. If requested the City shall provide, at no cost to the Company, copies of its relocation plan and profile and cross section drawings. If tree removals must be completed by the City as part of the City's project and are necessary whether or not utility facilities must be relocated, the City at its own cost shall be responsible for said removals. If the timing of the tree removals does not coincide with the Company facilities relocation schedule and Company must remove trees that are included in the City's portion of the project, the City shall either remove the trees at its cost or reimburse the Company for the expenses incurred to remove said trees. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall attempt to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

7-2-5 EXCAVATIONS. In making excavations in any streets, avenues, alleys and public places for the installation of gas pipes, conduits or apparatus, Company shall not unreasonably obstruct the use of the streets and shall replace the surface, restoring it to the condition as existed immediately prior to excavation. Company agrees any replacement of road surface shall conform to current City code regarding its depth and composition. The Company shall not be required to restore or modify public right of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition or to a condition exceeding its previously existing condition to the extent any alterations are required for the City to comply with city, state or federal rules, regulations or laws.

7-2-6 VACATION. The City's vacating a street, avenue, alley, and public ground or public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities on, below, above, or beneath the vacated property. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has facilities in the vicinity, the City shall provide Company with not less than sixty (60) days advance notice of the city's proposed action and, upon request grant the Company a utility easement covering existing and future facilities and activities. If the City fails to grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public ground, the City shall at its cost and expense obtain easements for the existing Company facilities.

7-2-7 RELOCATION. The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right of way that have been relocated at Company expense at the direction of the City at any time during the previous ten (10) years.

7-2-8 RELOCATION REIMBURSEMENT. Pursuant to relocation of Company facilities as may be required here under, if the City orders or requests the Company to relocate its existing facilities or equipment in order to directly or indirectly facilitate the project of a commercial or private developer or other non-public entity, City shall reimburse or the City shall require the developer or non-public entity to reimburse the Company for the cost of such relocation as a precondition to relocation. The Company shall not be required to relocate in order to facilitate

such private project at its expense.

7-2-9 INDEMNIFICATION. The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, to the extent caused or occasioned by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the natural gas facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages to the extent arising from the negligence of the City, its officers, employees or agents.

7-2-10 PROJECT INFORMATION. Upon reasonable request, the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right of way, of all equipment which it owns or over which it has control that is located in the public right of way, including documents, maps and other information in paper or electronic or other forms ("Information"). The Company and City recognize the Information may in whole or part be considered a confidential record under state or federal law or both. Upon receipt of a request from a third party for information concerning information about the Company's facilities within the City, the City will promptly submit same to Company. If the Company believes any of the information requested constitutes a trade secret which may otherwise be protected from public disclosure by state or federal law, or otherwise exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, or Chapter 22 of the Code of Iowa, as such statutes and regulations may be amended from time to time, then the Company shall provide the City with a written explanation of the basis for such assertion of confidentiality or exemption from disclosure within ten (10) days.

7-2-11 APPLICABLE REGULATIONS. The Company shall extend its mains and pipes and operate, and maintain the system in accordance with the applicable regulations of the Iowa Utilities Board or its successors and Iowa law.

7-2-12 QUALITY AND QUANTITY. During the term of this franchise, the Company shall furnish natural gas in the quantity and quality consistent and in accordance with the applicable regulations of the Iowa Utilities Board the Company's tariff made effective by the Iowa Utilities Board or its successors and Iowa law.

7-2-13 POLICE REGULATIONS. All reasonable and proper police regulations shall be adopted and enforced by the City for the protection of the facilities of the Company.

7-2-14 FRANCHISE FEE. A franchise fee is imposed upon, and shall be collected from, the natural gas customers of the Company receiving service, pursuant to the Tariff, and located within the corporate limits of the City. The franchise fee shall be imposed upon the gross receipts, minus uncollectible accounts, generated from sales of natural gas and distribution service:

1. Fees
 - a. Residential Customers: 3 percent
 - b. Non-Residential Customers: 3 percent
2. The City may, as allowed by Iowa law, exempt customers of sales from imposition of the franchise fee, or modify, decrease or eliminate the franchise fee. The City reserves the right to cancel any or all the franchise fee exemptions and also reserves the right to grant exemptions in compliance with Iowa law and Section 17 of this ordinance. The City does therefore exempt the customer classes in Section 14 from paying franchise fees.
 - a. Customer classes exempted by the City at time of imposing a franchise fee percentage greater than zero (0) percent: City Accounts
3. The City recognizes the administrative burden collecting franchise fees imposes upon the Company and the Company requires lead time to commence collecting said franchise fees. The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90) days of receipt of information required of the City to implement the franchise fee, including the City's documentation of customer classes subject to or exempted from City-imposed franchise fee. The City shall provide the information and data required in a form and format acceptable to the Company. The Company will, if requested by the City, provide the City with a list of premises considered by the Company to be within the corporate limits of the City.
4. The City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. The City shall be solely responsible for notifying Company of its corporate limits, including, over time, annexations or other alterations thereto, and customer classes that it wishes to subject to, or to the extent permitted by law, exempt from paying the franchise fee. The City shall provide to the Company, by certified mail, copies of annexation ordinances in a timely manner to ensure appropriate franchise fee collection from customers within the corporate limits of the City. The Company shall have no obligation to collect franchise fees from customers in annexed areas until and unless such ordinances have been provided to the Company by certified mail. The Company shall commence collecting franchise fees in the annexed areas no sooner than 60 days after receiving annexation ordinances from the City.
5. The City agrees to modify the level of franchise fees imposed only once in any 24-month period. Any such ordinance exempting classes of customers, increasing, decreasing, modifying or eliminating the franchise fee shall become effective, and billings reflecting the change shall commence on an agreed upon date which is not less than sixty (60) days following written notice to the Company by certified

mail. The Company shall not be required to implement such new ordinance unless and until it determines that it has received appropriate official documentation of final action by the city council.

6. The City shall indemnify the Company from claims of any nature arising out of or related to the imposition and collection of the franchise fee. In addition, the Company shall not be liable for collecting franchise fees from any customer originally or subsequently identified, or incorrectly identified, by the City as being subject to the franchise fee or being subject to a different level of franchise fees or being exempt from the imposition of franchise fees.
7. The Company shall remit franchise fee revenues to the City no more frequently than on or before the last business day of the month following each quarter as follows.
 - a. January, February, and March
 - b. April, May, and June
 - c. July, August, and September
 - d. October, November, and December

MidAmerican shall provide City with notice at least thirty (30) days in advance of any changes made in this collection schedule, including any alterations in the calendar quarters or any other changes in the remittance periods.

8. The City recognizes that the costs of franchise fee administration are not charged directly to the City and agrees it shall, if required by the Company, reimburse the Company for any initial or ongoing costs incurred by the Company in collecting franchise fees that Company in its sole opinion deems to be in excess of typical costs of franchise fee administration.
9. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from City customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers, the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.
10. The obligation to collect and remit the fee imposed by this ordinance is modified or repealed if:
 - a. Any other person is authorized to sell natural gas at retail to City consumers

and the City imposes a franchise fee or its lawful equivalent at zero or a lesser rate than provided in this ordinance, in which case the obligation of Company to collect and remit franchise fee shall be modified to zero or the lesser rate;

- b. The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling natural gas at retail to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of natural gas within the City; or
- c. Legislation is enacted by the Iowa General Assembly or the Supreme Court of Iowa issues a final ruling regarding franchise fees or the Iowa Utilities Board issues a final non-appealable order (collectively, "final franchise fee action") that modifies, but does not repeal, the ability of the City to impose a franchise fee or the ability of Company to collect from City customers and remit franchise fees to City. Within 60 days of final franchise fee action, the City shall notify Company and the parties shall meet to determine whether this ordinance can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After final franchise fee action and until passage by the City of revisions to the franchise fee ordinance, Company may temporarily discontinue collection and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.

7-2-15 OBLIGATION TO COLLECT. The other provisions of this ordinance to the contrary notwithstanding, the Company shall be completely relieved of its obligation to collect and remit to the City the franchise fee as, effective as the date specified below with no liability therefor under each of any of the following circumstances as determined to exist in the sole discretion of Company:

- 1. Any of the imposition, collection or remittance of a franchise fee is ruled to be unlawful by the Supreme Court of Iowa, effective as of the date of such ruling or as may be specified by that Court.
- 2. The Iowa General Assembly enacts legislation making imposition, collection or remittance of a franchise fee unlawful, effective as of the date lawfully specified by the General Assembly.
- 3. The Iowa Utilities Board, or its successor agency, denies the Company the right to impose, collect or remit a franchise fee provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the final agency order from which the appeal is taken.

7-2-16 CITY FEES. Upon implementation of a franchise fee the City shall not, pursuant to Chapter 480A.6 of the Code of Iowa, impose or charge Company right of way management fees for permits for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters.

7-2-17 TERMINATION. Either City or Company ("party") may terminate this franchise if the other party shall be materially in breach of its provisions. Upon the occurrence of a material breach, the non-breaching party shall provide the breaching party with notification by certified mail specifying the alleged breach. The breaching party shall have sixty (60) days to cure the breach, unless it notifies the non-breaching party, and the parties agree upon a shorter or longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate this franchise. A party shall not be considered to be in breach of this franchise if it has operated in compliance with state or federal law. A party shall not be considered to have breached this franchise if the alleged breach is the result of the actions of a third party or the other party.

TITLE VII SPECIAL ORDINANCES

CHAPTER 3 CABLE FRANCHISE

CABLE TELEVISION REGULATIONS

- 7-3-1 Franchise Agreement
- 7-3-2 Definitions
- 7-3-3 Grant of Franchise
- 7-3-4 Standards of Service
- 7-3-5 Regulation of the Franchising Authority
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REGULATION OF CABLE TELEVISION RATES

- 7-3-10 Administration of Rules and Regulations
- 7-3-11 Rate Regulation Proceedings
- 7-3-12 Certification to FCC and Cable Operator
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- 7-3-14 Delegation of Power Permitted

CABLE TELEVISION REGULATIONS

7-3-1 **FRANCHISE AGREEMENT.** This Franchise Agreement ("Franchise") is between the City of Lake City, Iowa, hereinafter referred to as "the Franchising Authority" and MCC Iowa LLC, a limited liability company duly organized and validly existing under the laws of the State of Delaware, hereinafter referred to as "the Grantee." The Franchising Authority hereby acknowledges that the Grantee has substantially complied with the material terms of the current Franchise under applicable law, and that the financial, legal, and technical ability of the Grantee is reasonably sufficient to provide services, facilities, and equipment necessary to meet the future cable-related needs of the community, and having afforded the public adequate notice and opportunity for comment, desires to enter into this Franchise with the Grantee for the construction and operation of a cable system on the terms set forth herein.

7-3-2 **DEFINITIONS.** For the purpose of this Franchise, the following terms, phrases, words, and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number:

1. "Basic Cable Service" is the lowest priced tier of Cable Service that includes the retransmission of local broadcast television signals.
2. "Cable Act" means Title VI of the Cable Act of 1934, as amended.
3. "Cable Services" shall mean (1) the one-way transmission to Subscribers of (a) video programming, or (b) other programming service, and (2) Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

4. "Cable System" shall mean the Grantee's facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes video programming and which is provided to multiple Subscribers within the Service Area.
5. "FCC" means Federal Communications Commission or successor governmental entity thereto.
6. "Franchising Authority" means the City of Lake City, Iowa.
7. "Grantee" means MCC Iowa LLC, or the lawful successor, transferee, or assignee thereof.
8. "Gross Revenues" means revenues derived from the operation of the Cable System received by Grantee from Subscribers for Basic Cable Services in the Service Area; provided, however, that Gross Revenues shall not include: franchise fees, the FCC User Fee or any tax, fee or assessment of general applicability collected by the Grantee from Subscribers for pass-through to a government agency.
9. "Person" means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity.
10. "Public Way" shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses now or hereafter held by the Franchising Authority in the Service Area which shall entitle the Grantee to the use thereof for the purpose of installing, operating, repairing, and maintaining the Cable System.
11. "Service Area" means the present boundaries of the Franchising Authority, and shall include any additions thereto by annexation or other legal means, subject to the exceptions in subsection 7-3-4(9).
12. "Standard Installation" is defined as 125 feet from the nearest tap to the Subscriber's terminal.
13. "Subscriber" means a Person who lawfully receives Cable Service of the Cable System with the Grantee's express permission.

7-3-3 GRANT OF FRANCHISE.

1. Grant. The Franchising Authority hereby grants to the Grantee a nonexclusive Franchise which authorizes the Grantee to construct and operate a Cable System in, along, among, upon, across, above, over, under, or in any manner connected with Public Ways within the Service Area, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, under, upon, across, or along any Public Way such facilities and equipment as may be necessary or appurtenant to the Cable System for the :transmission and distribution of Cable Services, data services, information and other communications services or for any other lawful purposes.
2. Other Ordinances. The Grantee agrees to comply with the terms of any lawfully adopted generally applicable local ordinance, to the extent that the provisions of the ordinance do not have the effect of limiting the benefits or expanding the obligations of the Grantee that are granted by this Franchise. Neither party may unilaterally alter the material rights nor obligations set forth in this Franchise. In the event of a conflict between any ordinance and this Franchise, the Franchise shall control.
3. Other Authorizations. The Franchising Authority shall not permit any person to provide services similar to those provided by the Grantee in the Service Area without first having secured a non-exclusive franchise from the Franchising Authority. The Franchising Authority agrees that any grant of additional franchises or other authorizations including Open Video System authorizations by the Franchising Authority to provide services similar to those provided by the Grantee pursuant to this Agreement to any other entity shall cover the entire Service Area and shall not be on terms and conditions more favorable or less burdensome to the grantee of any such additional franchise or other authorization than those which are set forth herein. In any renewal of this Franchise, the Franchising Authority, should it seek to impose increased obligations upon the Grantee, must take into account any additional franchise(s) or authorizations previously granted and find that the proposed increased obligations in the renewal, are not more burdensome and/or less favorable than those contained in any such additional franchise(s) or authorizations.

7-3-4 STANDARDS OF SERVICE.

1. Conditions of Occupancy. The Cable System installed by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of Public Ways and with the rights and reasonable convenience of property owners who own property that adjoins any of such Public Ways.
2. Restoration of Public Ways. If during the course of the Grantee's construction, operation, or maintenance of the Cable System there occurs a disturbance of any

Public Way by the Grantee, Grantee shall replace and restore such Public Way to the same or better condition of the Public Way immediately prior to such disturbance.

3. Relocation for the Franchising Authority. Upon its receipt of reasonable advance written notice, to be not less than ten (10) business days, the Grantee shall protect, support, raise, lower, temporarily disconnect, relocate in or remove from the Public Way, any property of the Grantee when lawfully required by the Franchising Authority by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, or any other type of public structures or improvements which are not used to compete with the Grantee's services. The Grantee shall in all cases have the right of abandonment of its property.
4. Relocation for a Third Party. The Grantee shall, on the request of any Person holding a lawful permit issued by the Franchising Authority, protect, support, raise, lower, temporarily disconnect, relocate in or remove from the Public Way as necessary any property of the Grantee, provided: (A) the expense of such is paid by said Person benefiting from the relocation, including, if required by the Grantee, making such payment in advance; and (B) the Grantee is given reasonable advance written notice to prepare for such changes. For purposes of this subsection, "reasonable advance written notice" shall be no less than thirty (30) business days in the event of a temporary relocation, and no less than one hundred twenty (120) days for a permanent relocation.
5. Trimming of Trees and Shrubbery. The Grantee shall have the authority to trim trees or other natural growth in order to access and maintain the Cable System.
6. Safety Requirements. Construction, operation, and maintenance of the Cable System shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with generally applicable federal, state, and local regulations and the National Electric Safety Code.
7. Underground Construction. In those areas of the Service Area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, the Grantee likewise shall construct, operate, and maintain its Cable System underground. Nothing contained in this subsection shall require the Grantee to construct, operate, and maintain underground any ground-mounted appurtenances.
8. Access to Open Trenches. The Franchising Authority agrees to make its best effort to notify Grantee as soon as it is aware that there will be open trenches in any new subdivision so that Grantee will have time to contact the utility or developer and negotiate for the use of the trench to install cable.

9. Required Extensions of the Cable System. Grantee agrees to provide Cable Service to all residences in the Service Area subject to the density requirements specified in this subsection. Whenever the Grantee receives a request for Cable Service from a potential Subscriber in an unserved area contiguous to Grantee's existing distribution facilities where there are at least ten (10) residences within 1320 cable-bearing strand feet (one-quarter cable mile) from the portion of the Grantee's trunk or distribution cable which is to be extended, it shall extend its Cable System to such Subscribers at no cost to said Subscribers for the Cable System extension, other than the published Standard/non-Standard Installation fees charged to all Subscribers. Notwithstanding the foregoing, the Grantee shall have the right, but not the obligation, to extend the Cable System into any portion of the Service Area where another operator is providing Cable Service, into any annexed area which is not contiguous to the present Service Area of the Grantee, or into any area which is financially or technically infeasible due to extraordinary circumstances, such as a runway or freeway crossing.
10. Subscriber Charges for Extensions of the Cable System. No Subscriber shall be refused service arbitrarily. However, if an area does not meet the density requirements of subsection 9 above, the Grantee shall only be required to extend the Cable System to Subscriber(s) in that area if the Subscriber(s) are willing to share the capital costs of extending the Cable System. Specifically, the Grantee shall contribute a capital amount equal to the construction cost per mile, multiplied by a fraction whose numerator equals the actual number of residences per 1320 cable-bearing strand feet from the Grantee's trunk or distribution cable, and whose denominator equals ten (10). Subscribers who request service hereunder shall bear the remaining cost to extend the Cable System on a pro rata basis. The Grantee may require that payment of the capital contribution in aid of construction borne by such potential Subscribers be paid in advance. Subscribers shall also be responsible for any Standard/non-Standard Installation charges to extend the Cable System from the tap to the residence.
11. Cable Service to Public Buildings. The Grantee, upon request, shall provide without charge, a Standard Installation and one outlet of Basic Cable Service to those administrative buildings owned and occupied by the Franchising Authority, fire station(s), police station(s), and K-12 public school(s) that are passed by its Cable System. The Cable Service provided shall not be distributed beyond the originally installed outlet without authorization from the Grantee. The Cable Service provided shall not be used for commercial purposes, and such outlets shall not be located in areas open to the public. The Franchising Authority shall take reasonable precautions to prevent any inappropriate use of the Grantee's Cable System or any loss or damage to Grantee's Cable System. The Franchising Authority shall hold the Grantee harmless from any and all liability or claims arising out of the provision and use of Cable Service required by this subsection. The Grantee shall not be required to provide an outlet to such buildings where a

non-Standard Installation is required, unless the Franchising Authority or building owner/occupant agrees to pay the incremental cost of any necessary Cable System extension and/or non-Standard Installation. If additional outlets of Basic Cable Service are provided to such buildings, the building owner/occupant shall pay the usual installation and service fees associated therewith.

12. Emergency Alert. Any Emergency Alert System ("EAS") provided by Grantee shall be operated in accordance with FCC regulations. Any use of such EAS by the Franchising Authority will be only in accordance with the applicable state and local plans as approved in accordance with such FCC regulations. Except to the extent expressly prohibited by law, the Franchising Authority will hold the Grantee, its employees, officers and assigns harmless from any claims arising out of use of the EAS, including but not limited to reasonable attorneys' fees and costs.
13. Reimbursement of Costs. If funds are available to any Person using the Public Way for the purpose of defraying the cost of any of the foregoing, the Franchising Authority shall reimburse the Grantee in the same manner in which other Persons affected by the requirement are reimbursed. If the funds are controlled by another governmental entity, the Franchising Authority shall make application for such funds on behalf of the Grantee.
14. Governmental Access.
 - a. Grantee will provide to the Franchising Authority throughout the term of this franchise one, (1) Governmental Access channel. In accordance with federal law, Grantee will be entitled to use any Government access channel capacity for the provision of other services at any time such channel capacity is not being used for the designated Governmental access purpose.
 - b. Whenever the designated Access Channel is programmed less than four (4) hours per day for six (6) days per week for a continuous period of not less than twelve (12) consecutive weeks, the Grantee shall be entitled to use such partially fallow channel after providing written notice to the Franchising Authority. In order to calculate the Franchising Authority's use of the Access Channel to determine fallow time for purposes of this paragraph, the following will not be included as programming: more than one hour per day of character generated programming, programming repeated more than once in any month excluding service and community announcements of less than 15 minutes in length, and any more than 3 hours per day of programming not produced for primary viewing in the local Franchise area. Should the Franchising Authority at a later date request to add more programmed material, then Grantee will make available time on this Access Channel.

- c. The Access channel is a channel made available to the Franchising Authority by Grantee for the purpose of Cablecasting non-commercial programming by Franchising Authority administration. The Franchising Authority agrees not to use the access channel to provide commercial or revenue-generating services or services that may compete, directly or indirectly, with services provided by the Grantee, provided however, that the Franchising Authority may cablecast acknowledgements of funding sources and the underwriting of programming costs. Such acknowledgements will be deemed non-commercial if they are within the standards for underwriting applicable to the Public Broadcasting Service (PBS) or the standards necessary to maintain tax-exempt status within the applicable regulations of the Internal Revenue Service. Programming shall not lose its non-commercial character by reason of including public or charitable fund-raising events or activities, or donor and underwriting announcements reflecting funding provided by for-profit or non-profit entities for PEG programming in accordance with the provisions of 47 C.F.R. 73.621 of the FCC's Rules.
- d. The Grantee shall provide the technical equipment necessary to receive and transport a signal from the Franchising Authority to originate Governmental access programming and cablecast the programming on the Cable System from the Franchising Authority's facilities located at 105 N. Center. The Franchising Authority shall provide all production equipment including but not limited to cameras, editing equipment, character generators and audio equipment necessary to provide a standard video and audio feel.

7-3-5 REGULATION BY THE FRANCHISING AUTHORITY.

- 1. Franchise Fee.
 - a. The Grantee shall pay to the Franchising Authority a franchise fee of zero percent (0%) of annual Gross Revenues (as defined in Section 7-3-2 of this Franchise). In accordance with the Cable Act, the twelve (12) month period applicable under the Franchise for the computation of the franchise fee shall be a calendar year. The franchise fee payment shall be due annually and payable within 90 days after the close of the preceding calendar year. Each payment shall be accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation.
 - b. Limitation on Franchise Fee Actions. The period of limitation for recovery by the Franchising Authority of any franchise fee payable hereunder shall be three (3) years from the date on which payment by the Grantee is due to the Franchising Authority.
 - c. The City shall have the right, at any time during the term of this Franchise, to increase the Annual Franchise Fee to the maximum percentage permitted

by law; however, the City shall provide Grantee at least sixty (60) days' notice prior to the effective date of any increase of the Annual Franchise Fee.

2. Rates and Charges. The Franchising Authority may regulate rates for the provision of Basic Cable Service and equipment as expressly permitted by federal law.
3. Renewal of Franchise.
 - a. The Franchising Authority and the Grantee agree that any proceedings undertaken by the Franchising Authority that relate to the renewal of the Grantee's Franchise shall be governed by and comply with the renewal provisions of federal law.
 - b. In addition to the procedures set forth in the Cable Act, the Franchising Authority agrees to notify the Grantee of all of its assessments regarding the identity of future cable-related community needs and interests, as well as the past performance of the Grantee under the then current Franchise term. The Franchising Authority further agrees that such assessments shall be provided to the Grantee promptly so that the Grantee has adequate time to submit a proposal pursuant to the Cable Act and complete renewal of the Franchise prior to expiration of its term.
 - c. Notwithstanding anything to the contrary set forth in this subsection, the Grantee and the Franchising Authority agree that at any time during the term of the then current Franchise, while affording the public appropriate notice and opportunity to comment in accordance with the provisions of federal law the Franchising Authority and the Grantee may agree to undertake and finalize informal negotiations regarding renewal of the then current Franchise and the Franchising Authority may grant a renewal thereof.
 - d. The Grantee and the Franchising Authority consider the terms set forth in this subsection to be consistent with the express renewal provisions of the Cable Act.
4. Conditions of Sale. If a renewal or extension of the Grantee's Franchise is denied or the Franchise is lawfully terminated, and the Franchising Authority either lawfully acquires ownership of the Cable System or by its actions lawfully effects a transfer of ownership of the Cable System to another party, any such acquisition or transfer shall be at the price determined pursuant to the provisions set forth in Section 627 of the Cable Act. The Grantee and the Franchising Authority agree that in the case of a final determination of a lawful revocation of the Franchise, the Grantee shall be given at least twelve (12) months to effectuate a transfer of its Cable System to a qualified third party. Furthermore, the Grantee shall be authorized to continue to operate pursuant to the terms of its prior Franchise

during this period. If, at the end of that time, the Grantee is unsuccessful in procuring a qualified transferee or assignee of its Cable System which is reasonably acceptable to the Franchising Authority, the Grantee and the Franchising Authority may avail themselves of any rights they may have pursuant to federal or state law. It is further agreed that the Grantee's continued operation of the Cable System during the twelve (12) month period shall not be deemed to be a waiver, nor an extinguishment of, any rights of either the Franchising Authority or the Grantee.

5. **Transfer of Franchise.** The Grantee's right, title, or interest in the Franchise shall not be sold, transferred, assigned, or otherwise encumbered, other than to an entity controlling, controlled by, or under common control with the Grantee, without prior written notice to the Franchising Authority. No such notice shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of the Grantee in the Franchise or Cable System in order to secure indebtedness.

7-3-6 BOOKS AND RECORDS. The Grantee agrees that the Franchising Authority, upon thirty (30) days written notice to the Grantee and no more than once annually may review such of its books and records at the Grantee's business office, during normal business hours and on a non-disruptive basis, as is reasonably necessary to ensure compliance with the terms of this Franchise. Such notice shall specifically reference the subsection of the Franchise that is under review so that the Grantee may organize the necessary books and records for easy access by the Franchising Authority. Alternatively, if the books and records are not easily accessible at the local office of the Grantee, the Grantee may, at its sole option, choose to pay the reasonable travel costs of the Franchising Authority's representative to view the books and records at the appropriate location. The Grantee shall not be required to maintain any books and records for Franchise compliance purposes longer than three (3) years. Notwithstanding anything to the contrary set forth herein, the Grantee shall not be required to disclose information that it reasonably deems to be proprietary or confidential in nature, nor disclose books and records of any affiliate which is not providing Cable Service in the Service Area. The Franchising Authority agrees to treat any information disclosed by the Grantee as confidential and only to disclose it to employees, representatives, and agents thereof that have a need to know, or in order to enforce the provisions hereof. The Grantee shall not be required to provide Subscriber information in violation of Section 631 of the Cable Act.

7-3-7 INSURANCE AND INDEMNIFICATION.

1. **Insurance Requirements.** The Grantee shall maintain insurance in full force and effect, at its own cost and expense, during the term of the Franchise. The Franchising Authority shall be designated as an additional insured and such insurance shall be non-cancellable except upon thirty (30) days prior written notice to the Franchising Authority. Upon written request, the Grantee shall provide a Certificate of Insurance showing evidence of the coverage required by this subsection.

2. Indemnification. The Grantee agrees to indemnify, save and hold harmless, and defend the Franchising Authority, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death), which arise out of the Grantee's construction, operation, or maintenance of its Cable System in the Service Area provided that the Franchising Authority shall give the Grantee written notice of its obligation to indemnify the Franchising Authority within ten (10) days of receipt of a claim or action pursuant to this subsection. Notwithstanding the foregoing, the Grantee shall not indemnify the Franchising Authority for any damages, liability or claims resulting from the willful misconduct or negligence of the Franchising Authority.

7-3-8 ENFORCEMENT AND TERMINATION OF FRANCHISE.

1. Notice of Violation. In the event that the Franchising Authority believes that the Grantee has not complied with the any material term of the Franchise, the Franchising Authority shall informally discuss the matter with Grantee. If these discussions do not lead to resolution of the problem, the Franchising Authority shall notify the Grantee in writing of the exact nature of such alleged noncompliance.
2. The Grantee's Right to Cure or Respond. The Grantee shall have thirty (30) days from receipt of the notice described in subsection 1: (A) to respond to the Franchising Authority, contesting the assertion of such noncompliance, or (B) to cure such default, or (C) in the event that, by the nature of such default, it cannot be cured within the thirty (30) day period, initiate reasonable steps to remedy such default and notify the Franchising Authority of the steps being taken and the projected date that they will be completed.
3. Public Hearing. In the event that the Grantee fails to respond to the notice described in subsection 1 pursuant to the procedures set forth in subsection 2, or in the event that the alleged default is not remedied within thirty (30) days or the date projected pursuant to 2(C) above, if it intends to continue its investigation into the default, then the Franchising Authority shall schedule a public hearing. The Franchising Authority shall provide the Grantee at least ten (10) days prior written notice of such hearing, which specifies the time, place and purpose of such hearing, and provide the Grantee the opportunity to be heard.
4. Enforcement. Subject to applicable federal and state law, in the event the Franchising Authority, after the hearing set forth in subsection 3, determines that the Grantee is in material default of any provision of the Franchise, the Franchising Authority may:

- a. Commence an action at law for monetary damages or seek other equitable relief; or
 - b. In the case of repeated or ongoing substantial non-compliance with a material term or terms of the Franchise, seek to revoke the Franchise in accordance with subsection 5.
5. Revocation. Should the Franchising Authority seek to revoke the Franchise after following the procedures set forth in subsections 1-4 above, the Franchising Authority shall give written notice to the Grantee of its intent. The notice shall set forth the exact nature of the repeated or ongoing substantial noncompliance with a material term or terms of the franchise. The Grantee shall have ninety (90) days from such notice to object in writing and to state its reasons for such objection. In the event the Franchising Authority has not received a satisfactory response from the Grantee, it may then seek termination of the Franchise at a public hearing. The Franchising Authority shall cause to be served upon the Grantee, at least thirty (30) days prior to such public hearing, a written notice specifying the time and place of such hearing and stating its intent to revoke the Franchise. At the designated hearing, Grantee shall be provided a fair opportunity for full participation, including the right to be represented by legal counsel, to introduce relevant evidence, to require the production of evidence, to compel the relevant testimony of the officials, agents, employees or consultants of the Franchising Authority, to compel the testimony of other persons as permitted by law, and to question witnesses. A complete verbatim record and transcript shall be made of such hearing. Following the hearing, the Franchising Authority shall determine whether or not the Franchise shall be revoked. If the Franchising Authority determines that the Franchise shall be revoked, the Franchising Authority shall promptly provide Grantee with its decision in writing. The Grantee may appeal such determination of the Franchising Authority to an appropriate court which shall have the power to review the decision of the Franchising Authority de novo. Grantee shall be entitled to such relief as the court finds appropriate. Such appeal must be taken within sixty (60) days of Grantee's receipt of the determination of the Franchising Authority. The Franchising Authority may, at its sole discretion, take any lawful action which it deems appropriate to enforce the Franchising Authority's rights under the Franchise in lieu of revocation of the Franchise.
6. Force Majeure. The Grantee shall not be held in default under, or in noncompliance with, the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate and control. This provision includes work delays caused by waiting for utility providers to service or monitor their utility poles to which the Grantee's Cable System is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary. Furthermore, the parties hereby agree that it is not the Franchising Authority's intention to subject

the Grantee to penalties, fines, forfeitures or revocation of the Franchise for violations of the Franchise where the violation was a good faith error that resulted in no or minimal negative impact on the Subscribers within the Service Area, or where strict performance would result in practical difficulties and hardship to the Grantee which outweigh the benefit to be derived by the Franchising Authority and/or Subscribers.

7-3-9 MISCELLANEOUS PROVISIONS.

1. Actions of Parties. In any action by the Franchising Authority or the Grantee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious, and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.
2. Entire Agreement. This Franchise constitutes the entire agreement between the Grantee and the Franchising Authority and supersedes all other prior understandings and agreements oral or written. Any amendments to this Franchise shall be mutually agreed to in writing by the parties.
3. Reservation of Rights. Acceptance of the terms and conditions of this franchise will not constitute, or be deemed to constitute, a waiver, either expressly or impliedly, by Grantee of any constitutional or legal right which it may have or may be determined to have, either by subsequent legislation or court decisions. The Franchising Authority acknowledges that Grantee reserves all of its rights under applicable Federal and State Constitutions and laws.
4. If at any time during the term of this franchise, federal, state or local law permits any provider of video programming to provide services such as those provided pursuant to this franchise either without obtaining a franchise from the Franchising Authority or on terms or conditions more favorable than those applicable to the Franchisee (Grantee), then this franchise shall at the sole discretion of the Franchisee (Grantee): (1) cease to be in effect; or (2) be deemed to expire at a date prior to the original expiration date selected by the Franchisee (Grantee); or (3) will be automatically reformed to grant to the Franchisee (Grantee) the more favorable terms, benefits and conditions available to the other provider.
5. Notice. Unless expressly otherwise agreed between the parties, every notice or response required by this Franchise to be served upon the Franchising Authority or the Grantee shall be in writing, and shall be deemed to have been duly given to the required party when placed in a properly sealed and correctly addressed envelope: a) upon receipt when hand delivered with receipt/acknowledgment, b) upon receipt when sent Certified, registered mail, c) within five (5) business days after having been posted in the regular mail or d) or the next business day if sent

by express mail or overnight air courier. The notices or responses to the Franchising Authority shall be addressed as follows:

City of Lake City
City Administrator/Clerk
105 N. Center
Lake City, IA 51449

The notices or responses to the Grantee shall be addressed as follows:

MCC Iowa LLC
Government Relations Manager
P.O.Box 178
Yankton, SD 57078-0178

With a copy to:
Vice President Legal & Regulatory Affairs Mediacom
100 Crystal Run Road
Middletown, NY 10940

The Franchising Authority and the Grantee may designate such other address or addresses from time to time by giving notice to the other in the manner provided for in this subsection.

6. Term and Effective Date. The Effective Date of this Franchise is the date of final adoption by the Franchising Authority as set forth below subject to Grantee's acceptance by countersigning where indicated below. This Franchise shall be for a term of fifteen (15) years from such Effective Date and shall expire on November 30, 2021.

(Article 3 - Ord. 06-07 -May 08 Supp.)

REGULATION OF CABLE TELEVISION RATES

7-3-10 ADMINISTRATION OF RULES AND REGULATIONS. The City of Lake City (herein called "the City") has the legal authority to administer and shall enforce against any non-municipally owned cable television system operator, as permitted therein, the provisions of Part 76, Subpart N of the Rules and Regulations of the Federal Communications Commission, concerning Cable Rate Regulation, 47 C.F.R. §§76.900 et seq, as they currently read and hereafter may be amended, which are herewith incorporated by reference.

7-3-11 RATE REGULATION PROCEEDINGS. Any rate regulation proceedings conducted under Section 7-3-9 shall provide a reasonable opportunity for consideration of the view of any interested party, including but not limited to, the City or its designee, the Cable Operator, subscribers, and residents of the franchise area. In addition to all other provisions required by the laws of the state of Iowa and the City of Lake City for such proceedings, and in order to provide

for such opportunity for consideration of the views of any interested party, the City shall take the following actions:

1. The City shall publish notice as provided in Code of Iowa Chapter 362.4, and shall mail, by certified mail, to the Cable Operator a notice of the intent to conduct a public proceeding on basic service tier rates and/or charges for equipment to receive such basic service tier, as defined by the FCC.
2. Said notice shall state, among other things, that cable television rates are subject to municipal review and explain the nature of the rate review in question; that any interested party has a right to participate in the proceeding; that public views may be submitted in the proceeding, explaining how they are to be submitted and the deadline for submitting any such views; that a decision concerning the reasonableness of the cable television rates in question will be governed by the FCC Rules and Regulations; and that the decision of the City is subject to review by the FCC.
3. The City shall conduct a public proceeding to determine whether or not the rates or proposed rate increase are reasonable. The City may delegate the responsibility to conduct the proceeding to any duly qualified and eligible individual(s) or entity. If the City or its designee cannot determine the reasonableness of a proposed rate increase within the time period permitted by the FCC Rules and Regulations, it may announce the effective date of the proposed rates for an additional period of time as permitted by the FCC Rules and Regulations, and issue any other necessary or appropriate order and give notice accordingly.
4. In the course of the rate regulation proceeding, the City may require additional information from the Cable Operator that is reasonably necessary to determine the reasonableness of the basic service tier rates and equipment charges. Any such additional information submitted to the City shall be verified by an appropriate official of the cable television system supervising the preparation of the response on behalf of the entity, and submitted by way of affidavit or under penalty of perjury, stating that the response is true and accurate to the best of that person's knowledge, information and belief formed after reasonable inquiry. The City may request proprietary information, provided that the City shall consider a timely request from the Cable Operator that said proprietary information shall not be made available for public information, consistent with the procedures set forth in Section 0.459 of the FCC Rules and Regulations. Furthermore, said proprietary information may be used only for the purpose of determining the reasonableness of the rates and charges or the appropriate rate level based on a cost-of-service showing submitted by the Cable Operator. The City may exercise all powers under the laws of evidence applicable to administrative proceedings under the laws of the state of Iowa and of the City of Lake City to discover any information relevant to the rate regulation proceeding, including, but not limited to, subpoena, interrogatories, production of documents, and deposition.

5. Upon termination of the rate regulation proceeding, the City shall adopt and release a written decision as to whether or not the rates or proposed rate increase are reasonable or unreasonable, and, if unreasonable, its remedy, including prospective rate reduction, rate prescription, and refunds.
6. The City may not impose any fines, penalties, forfeitures or other sanctions, other than permitted by the FCC Rules and Regulations, for charging an unreasonable rate or proposing an unreasonable rate increase.
7. Consistent with FCC Rules and Regulations, the City's decision may be reviewed only by the FCC.
8. The City shall be authorized, at any time, whether or not in the course of a rate regulation proceeding, to gather information as necessary to exercise its jurisdiction as authorized by the Communications Act of 1934 as amended, and the FCC Rules and Regulations. Any information submitted to the City shall be verified by an appropriate official of the cable television system supervising the preparation of the response on behalf of the entity, and submitted by way of Affidavit or under penalty of perjury, stating that the response is true and accurate to the best of that person's knowledge, information and belief formed after reasonable inquiry.

7-3-12 **CERTIFICATION TO FCC AND CABLE OPERATOR.** The City shall file with the FCC the required certification form (FCC Form 328) on September 1, 1993, or as soon thereafter as appropriate. Thirty days later, or as soon thereafter as appropriate, the City shall notify the Cable Operator that the City has been certified by the FCC and that it has adopted all necessary regulations so as to begin regulating basic service tier cable television rates and equipment charges.

7-3-13 **CABLE PROGRAMMING SERVICE TIER.** With regard to the cable programming service tier, as defined by the Communications Act of 1934, as amended, and the FCC Rules and Regulations, and over which the City is not empowered to exercise rate regulation, the Cable Operator shall give notice to the City of any change in rates for the cable programming service tier or tiers, any change in the charge for equipment required to receive the tier or tiers, and any changes in the nature of the services provided, including the program services included in the tier or tiers. Said notice shall be provided within five (5) business days after the change becomes effective.

7-3-14 **DELEGATION OF POWERS PERMITTED.** The City may delegate its powers to enforce this chapter to municipal employees or officers ("cable official"). The cable official will have the authority to:

1. Administer oaths and affirmations;

2. Issue subpoenas;
3. Examine witnesses;
4. Rule upon questions of evidence;
5. Take or cause depositions to be taken;
6. Conduct proceedings in accordance with this chapter;
7. Exclude from the proceedings any person engaging in contemptuous conduct or otherwise disrupting the proceedings;
8. Hold conferences for the settlement or simplification of the issues by consent of the parties; and
9. Take actions and make decisions or recommend decisions in conformity with this chapter.