

CHAPTER 1

CODE OF ORDINANCES

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

1.07 Amendments
1.08 Catchlines and Notes
1.09 Altering Code
1.10 Standard Penalty
1.11 Severability

1.01 TITLE. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Granger, Iowa. *(Ord. 170 – Apr. 01 Supp.)*

1.02 DEFINITIONS. Where words and phrases used in this Code of Ordinances are defined by State law, such definitions apply to their use in this Code of Ordinances and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings, unless specifically defined otherwise in another portion of this Code of Ordinances:

1. “Alley” means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. “C.F.R.” means the Code of Federal Regulations.
3. “City” means the City of Granger, Iowa.
4. “Clerk” means the city clerk of Granger, Iowa.
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 Zoning Code and/or a standard code adopted by reference).
6. “Code of Ordinances” means the Code of Ordinances of the City of Granger, Iowa. *(Ord. 170 – Apr. 01 Supp.)*
7. “Council” means the city council of Granger, Iowa.
8. “County” means Dallas County or Polk County, Iowa.
9. “Measure” means an ordinance, amendment, resolution or motion.
10. “Month” means a calendar month.
11. “Oath” means an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words “affirm” and “affirmed” are equivalent to the words “swear” and “sworn”.

12. "Occupant, Tenant", applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
13. "Ordinances" means the ordinances of the City of Granger, Iowa, as embodied in the Code of Ordinances, ordinances not repealed by the ordinance adopting the Code of Ordinances, and those enacted hereafter.
14. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.
15. "Preceding", "Following" means next before and next after, respectively.
16. "Property" includes real property, and tangible and intangible personal property unless clearly indicated otherwise.
17. "Property Owner" means a person owning private property in the City as shown by the County Auditor's plats of the City.
18. "Public Place" includes in its meaning, but is not restricted to, any City-owned open place, such as parks and squares.
19. "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.
20. "Public Way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
21. "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.
22. "State" means the State of Iowa.
23. "Statutes, Laws" means the latest edition of the Code of Iowa, as amended.
24. "Street" or "Highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.
25. "Writing, Written" includes printing, typing, lithographing, or other mode of representing words and letters.
26. "Year" means a calendar year.

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

(Code of Iowa, Sec. 364.1)

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

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

(Code of Iowa, Sec. 364.14)

1.06 RULES OF CONSTRUCTION. In the construction of the Code of Ordinances the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provisions.

1. Verb Tense and Plurals. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular.
2. May. The word "may" confers a power.
3. Must. The word "must" states a requirement.
4. Shall. The word "shall" imposes a duty.
5. Gender. The masculine gender shall include the feminine and neuter genders.
6. Interpretation. All general provisions, terms, phrases, and expressions contained in the Code of Ordinances shall be liberally construed in order that the true intent and meaning of the Council may be fully carried out.
7. Extension of Authority. Whenever an officer or employee is required or authorized to do an act by a provision of the Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.

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

(Ord. 130 - May 98 Supp.)

(Code of Iowa, Sec. 380.2)

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

1.09 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)

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

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

(Ord. 272 – Dec. 09 Supp.)

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

[The next page is 9]

CHAPTER 2

CHARTER

2.01 Title
2.02 Form of Government
2.03 Powers and Duties

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

2.01 TITLE. This chapter may be cited as the charter of the City of Granger, Iowa.

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

(Code of Iowa, Sec. 372.4)

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

2.04 NUMBER AND TERM OF COUNCIL. The Council consists of five (5) Council Members elected at large for terms of four (4) years.

(Code of Iowa, Sec. 376.2)

2.05 TERM OF MAYOR. The Mayor is elected for a term of two (2) years.

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

EDITOR'S NOTE

Ordinance No. 13 adopting a charter for the City was passed and approved by the Council on January 2, 1975.

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CHAPTER 3

BOUNDARIES

3.01 CORPORATE LIMITS. The corporate limits of the City as of July 1, 1994, are described as follows:

Commencing at the northwest corner of the Southeast Quarter of the Southwest Quarter of Section 1, Township 80 North, Range 26 West of the 5th Principal Meridian; thence east to a point on the north line of the Southeast Quarter of the Southeast Quarter of Section 1, Township 80 North, Range 26 West of the 5th Principal Meridian where it intersects the east right-of-way line of the now abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way; thence southwesterly along the easterly right-of-way line of the now abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way to the north line of Section 12, Township 80 North, Range 26 West of the 5th Principal Meridian; thence east along the north line of the Northeast Quarter of said Section 12 to a point of intersection with the west right-of-way line of Iowa Highway 17; thence southerly along the west right-of-way line of Iowa Highway 17 to a point of intersection with the northerly right-of-way line of Iowa Highway 141; thence northwesterly along the north right-of-way line of Iowa Highway 141 to a point of intersection with the easterly right-of-way line of the now abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad; thence northeasterly along the easterly right-of-way line of the now abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad to a point of intersection with the northerly line of the right-of-way of the now abandoned Des Moines and Chicago Railroad also referred to as Interurban; thence northwesterly along the northerly right-of-way of the now abandoned Des Moines and Chicago Railroad to a point of intersection with the westerly right-of-way line of the now abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad; thence southwesterly along the westerly right-of-way line of the now abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad to a point of intersection with the northerly right-of-way line of Iowa Highway 141; thence northwesterly along the northerly right-of-way line of Iowa Highway 141 to a point of intersection with the south line of the Northeast Quarter of the Northwest Quarter of said Section 12; thence west to the southwest corner of the Northeast Quarter of the Northwest Quarter of said Section 12; thence north to the northwest corner of the Northeast Quarter of the Northwest Quarter of said Section 12; thence continuing north along the east line of the Southwest Quarter of the Southwest Quarter of Section 1, Township 80 North, Range 26 West of the 5th Principal Meridian, Range 26 West of the 5th Principal Meridian a distance of three hundred ninety-three and eight tenths (393.8) feet to the northerly right-of-way line of a Dallas County secondary road (known locally as Kennedy Boulevard); thence north 58° 33' west along the northerly right-of-way line, a distance of five hundred thirteen and fifty-six hundredths (513.56) feet; thence continuing north 59°

16' west along the northerly right-of-way line, a distance of two hundred seventeen and twenty-five hundredths (217.25) feet; thence north a distance of three hundred thirty-seven and seventy-five hundredths (337.75) feet; thence east a distance of six hundred twenty-five and thirteen hundredths (625.13) feet to a point on the east line of the Southwest Quarter of the Southwest Quarter of said Section 1; thence north along the west line of the Southeast Quarter of the Southwest Quarter of said Section 1 to the point of beginning, except for a triangular parcel located in the Southwest Quarter of the Northeast Quarter of Section 12, Township 80 North, Range 26 West of the 5th Principal Meridian, said triangle being located with its north line being the north line of the Southwest Quarter of the Northeast Quarter of said Section 12, the east line of said triangle being located a distance nine hundred twenty (920.00) feet east of the west line of the Southwest Quarter of the Northeast Quarter of said Section 12 and with the southwesterly line of said triangle being the northerly right-of-way line of the now abandoned Des Moines and Chicago Railroad.

CHAPTER 4

MUNICIPAL INFRACTIONS

4.01 Municipal Infraction
4.02 Environmental Violation
4.03 Penalties

4.04 Civil Citations
4.05 Alternative Relief
4.06 Criminal Penalties

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

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

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

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

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

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

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

1. Standard Civil Penalties.
 - A. First Offense - \$100.00
 - B. Second Repeat Offense - \$200.00
 - C. Third Repeat Offense - \$400.00
 - B. All Other Repeat Offenses - \$625.00

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

(Ord. 279 – Dec. 09 Supp.)

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 shall be punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each day a violation exists or continues.

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

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

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

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

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

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

1. The name and address of the defendant.
2. The name or description of the infraction attested to by the officer issuing the citation.
3. The location and time of the infraction.

4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
5. The manner, location, and time in which the penalty may be paid.
6. The time and place of court appearance.
7. The penalty for failure to appear in court.
8. The legal description of the affected real property, if applicable.

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

(Ord. 290 – Dec. 10 Supp.)

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

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

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

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

[The next page is 21]

CHAPTER 5

OPERATING PROCEDURES

5.01 Oaths	5.08 Resignations
5.02 Bonds	5.09 Removal of Appointed Officers and Employees
5.03 Duties: General	5.10 Vacancies
5.04 Books and Records	5.11 Unlawful Use of City Property
5.05 Transfer to Successor	5.12 Gifts
5.06 Meetings	5.13 Notice of Violation
5.07 Conflict of Interest	

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

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

(Code of Iowa, Sec. 63.1)

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

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

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

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

1. Required. The Council shall provide by resolution for a surety bond or blanket position bond running to the City and covering the

Mayor, Clerk, Treasurer and such other officers and employees as may be necessary and advisable.

(Code of Iowa, Sec. 64.13)

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

(Code of Iowa, Sec. 64.19)

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

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

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

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

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

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

5.04 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to inspection by the public upon request, unless some other provisions of law expressly limit such right or require such records to be kept confidential.

(Code of Iowa, Sec. 22.1 & 22.2)

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

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

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

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

(Code of Iowa, Sec. 21.4)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

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

(Code of Iowa, Sec. 21.8)

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

(Code of Iowa, Sec. 362.5)

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

(Code of Iowa, Sec. 362.5[1])

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

(Code of Iowa, Sec. 362.5[2])

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

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

4. Stock Interests. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind

described in subsection 8 of this section, or both, if the contracts are made by competitive bid in writing, publicly invited and opened, or if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid qualification of this subsection does not apply to a contract for professional services not customarily awarded by competitive bid.

(Ord. 194 – Oct-03 Supp.)

(Code of Iowa, Sec. 362.5[5])

5. Newspaper. The designation of an official newspaper.

(Code of Iowa, Sec. 362.5[6])

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

(Code of Iowa, Sec. 362.5[7])

7. Volunteers. Contracts with volunteer fire fighters or civil defense volunteers.

(Code of Iowa, Sec. 362.5[8])

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

(Code of Iowa, Sec. 362.5[9])

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

(Code of Iowa, Sec. 362.5[4])

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

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

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

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

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

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

(Subsections 10-12 – Ord. 384 – Aug. 20 Supp.)

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

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

5.09 REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES.

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

(Code of Iowa, Sec. 372.15)

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

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

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

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

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

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

(Ord. 321 – Dec. 14 Supp.)

5.11 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])

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

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

5.13 NOTICE OF VIOLATION. Prior to the issuance of any citation for a municipal infraction pursuant to Chapter 4 of this Code of Ordinances, the Police Chief, the City Clerk, or Building Official may, at their discretion, issue a Notice of Violation to any person who violated any provision of this Code of Ordinances and permit the offender to admit the violation and pay an administrative penalty equal to the penalty established by Section 4.03. In the event the offender has not admitted to the violation and paid the administrative penalty within twenty (20) days of the issuance of the Notice of Violation, any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation for municipal infraction to the offender. *(Ord. 257 – Feb. 08 Supp.)*

[The next page is 29]

CHAPTER 6

CITY ELECTIONS

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

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

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

(Code of Iowa, Sec. 376.3)

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

(Code of Iowa, Sec. 45.1)

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

(Code of Iowa, Sec. 45.2)

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

(Ord. 185 – Oct-03 Supp.)

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

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

(Code of Iowa, Sec. 45.4)

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

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

[The next page is 35]

CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose
7.02 Finance Officer
7.03 Cash Control
7.04 Fund Control
7.05 Operating Budget Preparation
7.06 Budget Amendments

7.07 Accounting
7.08 Financial Reports
7.09 Unauthorized Expenditure
7.10 Finance Committee – Appointment
7.11 Finance Committee – Duties
7.12 Finance Committee – Compensation

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

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

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

1. Deposit of Funds. All moneys or fees collected for any purpose by any City officer shall be deposited through the office of the finance officer. If any said fees are due to an officer, they shall be paid to the officer by check drawn by the finance officer and approved by the Council only upon such officer's making adequate reports relating thereto as required by law, ordinance or Council directive.
2. Deposits and Investments. All moneys belonging to the City shall be promptly deposited in depositories selected by the Council in amounts not exceeding the authorized depository limitation established by the Council or invested in accordance with the City's written investment policy and State law, including joint investments as authorized by Section 384.21 of the Code of Iowa.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.15A)

A. The Council shall set a time and place for a public hearing on the resolution before the date for adoption of the resolution and shall publish notice of the hearing not less than 10 nor more than 20 days prior to the hearing in a newspaper published at least once weekly and having general circulation in the City.

B. If the City has an internet site, the notice shall also be posted and clearly identified on the City's internet site for public viewing beginning on the date of the newspaper publication or public posting, as applicable. Additionally, if the City maintains a social media account on one or more social media applications, the public hearing notice or an electronic link to the public hearing notice shall be posted on each such account on the same day as the publication of the notice. All of the following shall be included in the notice:

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

levy under the levies specified in this subsection, applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.

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

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

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

C. At the public hearing, the Council shall receive oral or written objections from any resident or property owner of the City. After all objections have been received and considered, the Council may decrease, but not increase, the proposed maximum property tax dollar amount for inclusion in the resolution and shall adopt the resolution and file the resolution with the County Auditor as required under *Code of Iowa* Section 384.16, Subsection 3.

D. If the sum of the maximum property tax dollars for the budget year specified in the resolution under the levies specified in this subsection exceeds 102 percent of the sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection, the Council shall be required to adopt the resolution by a two-thirds majority of the membership of the Council.

E. If the City has an internet site, in addition to filing the resolution with the Auditor under *Code of Iowa* Section 384.16, Subsection 3, the adopted resolution shall be posted and clearly identified on the City's internet site for public viewing within 10

days of approval by the Council. The posted resolution for a budget year shall continue to be accessible for public viewing on the internet site along with resolutions posted for all subsequent budget years.

5. Council Review. The Council shall review the proposed budget and may make any adjustments it deems appropriate in the budget before accepting such proposal for publication, hearing, and final adoption.

6. Notice of Hearing. Following, and not until adoption of the resolution required under Subsection 4 of this section, the Council shall set a time and place for public hearing on the budget to be held before March 31 and shall publish notice of the hearing not less than 10 nor more than 20 days before the hearing. A summary of the proposed budget and a description of the procedure for protesting the City budget under Section 384.19 of the *Code of Iowa*, in the form prescribed by the Director of the Department of Management, shall be included in the notice. Proof of publication of the notice under this subsection and a copy of the resolution adopted under Subsection 4 of this section must be filed with the County Auditor.

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

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

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

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

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

(Section 7.05 – Ord. 385 – Aug. 20 Supp.)

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

(Code of Iowa, Sec. 384.18)

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

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

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

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

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

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

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

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

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

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

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

3. Checks. Checks shall be prenumbered and signed by the Mayor and Clerk following Council approval, except as provided by Subsection 5 hereof. The Mayor Pro Tem may sign in the absence of the Mayor.

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

5. Immediate Payment Authorized. The Council may by motion authorize the Mayor and 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 motion authorizing immediate payment shall specify the type of payment so authorized and may include but is not limited to payment of utility bills, contractual obligations, payroll and bond principal and interest.

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

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

1. Monthly Reports. There shall be submitted to the Council 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. Annual Report. Not later than October first of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of the published annual report must be furnished to the Auditor of State.

(Code of Iowa, Sec. 384.22)

7.09 UNAUTHORIZED EXPENDITURE. No City official or employee, or any person acting under color of such office or employment, shall knowingly make any contract or authorize any expenditure known by him or her to be in excess of that authorized by law.

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

7.10 FINANCE COMMITTEE – APPOINTMENT. The Mayor shall appoint two members of the Council to serve on a Finance Committee. One member of the initial Finance Committee established by this section shall serve a term until June 30, 2003, and the other member shall serve a term until December 31, 2003. Thereafter members shall be appointed for overlapping one-year terms. No member of the Council may be appointed to succeed himself or herself on the Finance Committee, but may be appointed thereafter to serve again.

7.11 FINANCE COMMITTEE – DUTIES. The Finance Committee shall have oversight responsibilities and each month shall meet as required to (a) review all bills prior to Council approval and payment; (b) review each month's payroll, including the payroll journal and employee timesheets; (c) review investment and long-term debt transactions and records; (d) review cash receipts and deposits, including the receipt and disbursement journals; (e) review utility receipts, deposits and delinquencies, and (f) review each month's bank reconciliation. The Committee will make a written report each month to the Council. On at least an annual basis, the Finance Committee and City Clerk will review all office accounting procedures, and make a written report to the Council detailing any changes or revisions made to the procedures.

7.12 FINANCE COMMITTEE – COMPENSATION. Beginning January 1, 2004, each member of the Finance Committee will receive the compensation established by Section 17.06 of this Code of Ordinances for each meeting of the Finance Committee attended, in addition to that member's compensation received as a Council member. However, no member of the Finance Committee shall receive compensation for attending more than three meetings of the Finance Committee in any one calendar month even though the member may actually have attended more than three meetings.

(Sections 7.10 through 7.12 added by Ord. 176 – Oct-03 Supp.)

CHAPTER 8

GRANGER URBAN RENEWAL AREA

8.01 Purpose

8.02 Granger Urban Renewal Project Area

8.03 Provisions for Division of Taxes Levied on Taxable Property

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

8.02 GRANGER URBAN RENEWAL PROJECT AREA. The provisions of this section apply to the Granger Urban Renewal Project Area, such area being defined as follows:

1. Original Project Area. "Original Project Area" means the area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on November 29, 1999:

Commencing at the southeast corner of the intersection of State Street and Walnut Street; thence east along the south right-of-way line of State Street to the west right-of-way line of Highway 17; thence southerly along the west right-of-way line of Highway 17 to the northerly right-of-way line of Highway 141; thence northwesterly along the northerly right-of-way line of Highway 141 to the east right-of-way line of Sycamore Street; thence north along the east right-of-way line of Sycamore Street to the south right-of-way line of Court Street; thence east along the south right-of-way line of Court Street to the point of intersection with the east right-of-way line of Walnut Street; thence northerly along the east right-of-way line of Walnut Street to the point of beginning at the southeast corner of the intersection of Walnut Street and State Street, all within the City of Granger, Dallas County, Iowa.

2. Amendment One Area. Amendment One Area means the extended area of the Granger Urban Renewal Project Area, the boundaries of which are set out below, such amended and additional area having been identified in Amendment No. One to the Urban Renewal Plan approved by the Council by Resolution adopted on May 9, 2007:

Commencing at the point of intersection of the northerly right-of-way line of Iowa Highway 141 and the easterly line of the former Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way; thence southerly along the easterly line of said former railroad right-of-way to a point on the south right-of-way line of Iowa Highway 141; thence south 43°00'02" east, a distance of 816.01 feet along the southerly right-of-way

line of Iowa Highway 141; thence south 48°39'34" east, a distance of 506.61 feet along the southerly right-of-way line of Iowa Highway 141 to a point on the south line of the north 60-1/4 rods of the Northeast Quarter, Southeast Quarter of Section 12, Township 80 North, Range 26 West of the 5th Principal Meridian; thence north 89°59'49" west, a distance of 714.58 feet along the south line of said north 60-1/4 rods to a point on the west line of the Northeast Quarter, Southeast Quarter of said Section 12; thence south 00°13'10" west, a distance of 3.76 feet along the west line of the Northeast Quarter, Southeast Quarter of said Section 12 to a point on the north line of the south 20 rods of the Northwest Quarter, Southeast Quarter of said Section 12; thence south 89°58'43" west, a distance of 275.04 feet along the north line of the south 20 rods of the Northwest Quarter, Southeast Quarter of said Section 12 to a point, said point being on the east line of the former right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence south 01°05'07" east, a distance of 1,658.32 feet along the east line of said former railroad right-of-way to a point on the south line of the Southeast Quarter of said Section 12; thence west along the south line of the Southeast Quarter of said Section 12 to a point on the west line of said former railroad right-of-way; thence north 01°05'07" east along the west line of said former railroad right-of-way to the south line of Parcel F of the Southeast Quarter of said Section 12, said point being a distance of 756.91 feet southerly of the north line of the Southeast Quarter of said Section 12 as measured along the westerly line of said former railroad right-of-way; thence south 89°59'16" west, a distance of 957.89 feet to the west line of the Southeast Quarter of said Section 12; thence north 00°16'39" west, a distance of 752.02 feet along the west line of the Southeast Quarter of said Section 12 to the center of said Section 12; thence northerly along the centerline of Xavier Avenue to the point of intersection with the southerly right-of-way line of Iowa Highway 141; thence southeasterly along the southerly right-of-way of said Iowa Highway 141 to the west line of the Northeast Quarter of said Section 12; thence north along the west line of the Northeast Quarter of said Section 12 to the point of intersection with the northerly right-of-way line of Iowa Highway 141; thence southeasterly along the northerly right-of-way line of Iowa Highway 141 to the point of beginning.

(Ord. 247 – Feb. 08 Supp.)

3. Amendment Two Area. Amendment Two Area means the extended area of the Granger Urban Renewal Project Area, the boundaries of which are set out below, such amended and additional area having been identified in Amendment No. Two to the Urban Renewal Plan approved by the Council by Resolution adopted on November 11, 2009:

Commencing at the northwest corner of Lot 1, Twin Eagles Point, Plat 1, said point being located on the east right-of-way line of Iowa Highway 17; thence southerly along the east right-of-way line of Iowa Highway 17 to the point of intersection with the north line of the right-of-way of Highway 141; thence northwesterly to the point of intersection of the northerly right-of-way line of Iowa Highway 141 and the west right-of-way line of Iowa Highway 17; thence north along the west right-of-way

line of Iowa Highway 17 to a point directly west of the northwest corner of Lot 1, Twin Eagles Point, Plat 1; thence east across the right-of-way of Iowa Highway 17 to the point of beginning;

and

Commencing at a point of intersection of the northerly right-of-way line of Iowa Highway 141 and the easterly line of the former Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way; thence southerly along the easterly line of said former right-of-way to a point on the south right-of-way line of Iowa Highway 141; thence South 43E00'02" East, a distance of 816.01 feet along the southerly right-of-way line of Iowa Highway 141; thence South 48E39'34" East, a distance of 506.61 feet along the southerly right-of-way line of Iowa Highway 41 to a point on the south line of the north 60-1/4 rods of the Northeast Quarter, Southeast Quarter of Section 12, Township 80 North, Range 26 West of the 5th Principal Meridian; thence north across the right-of-way of Iowa Highway 141 to a point on the north line of the right-of-way of Iowa Highway 141; thence westerly along the northerly right-of-way line of Iowa Highway 141 to the point of beginning;

and

Commencing at the point of intersection of the southerly right-of-way line of Iowa Highway 141 and the west line of the Northeast Quarter of Section 12, Township 80 North, Range 26 West of the 5th Principal Meridian; thence north along the west line of the Northeast Quarter of said Section 12 to the point of intersection with the northerly right-of-way line of Iowa Highway 141; thence southeasterly along the northerly right-of-way line of Iowa Highway 141 to the point of intersection with the east line of Sycamore Street; thence north along the east line of Sycamore Street to the point of intersection with the south line of Court Street; thence east along the south line of Court Street to a point on said south line intersecting the east line of Walnut Street extended; thence north across Court Street to the point of intersection with the north line of Court Street and the west line of Walnut Street; thence north along the east line of Walnut Street to the point of intersection with the south line of State Street; thence east along the south line of State Street to the point of intersection with the west right-of-way line of Iowa Highway 17; thence north along the west right-of-way line of Iowa Highway 17 to the point of intersection with the north line of State Street; thence westerly along the northerly line of State Street to the southwest corner of Lot 38, Windcrest Plat 1; thence north along the west line of said Lot 38 to the northwest corner of said Lot 38; thence north along the west line of Lot 37, Windcrest Plat 1 to the northwest corner of said Lot 37, said point also being the southwest corner of Outlot Z, Windcrest Plat 2; thence easterly along the southerly line of said Outlot Z to Oak Street; thence northerly along the west line of Oak Street to the southeast corner of Lot 36, Windcrest Plat 1; thence westerly along the southerly line of said Lot 36 to the southwest corner of said Lot 36; thence northeasterly along the east line of Outlot Z, Windcrest Plat 2 to the southwest corner Lot 6, Windcrest Plat 2, said point being a northeasterly corner of said Outlot Z; thence westerly along the northerly line of said Outlot Z to the southwest

corner of Lot 10, Windcrest Plat 2; thence northerly along the west line of said Lot 10 to the southerly line of Park Avenue; thence westerly along the southerly line of Park Avenue to the northeast corner of Lot 11, Windcrest Plat 2; thence southerly along the easterly line of said Lot 11 to the southeast corner of said Lot 11; thence westerly along the southerly line of said Lot 11 to the southwest corner of said Lot 11; thence north along the west line of said Lot 11 to the northwest corner of said Lot 11; thence north along the west line of Lot 12, Windcrest Plat 2 to the northwest corner of said Lot 12; thence north along the west line of Lot 13, Windcrest Plat 2 to the northwest corner of said Lot 13; thence continuing northerly along the west line of the former Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way to the north line of the South One-half of the Southeast Quarter of Section 1, Township 80 North, Range 26 West of the 5th Principal Meridian; thence west along the north line of the South One-half of Southeast Quarter of said Section 1 to the point of intersection with the east line of Locust Street; thence south along the east line of Locust Street to the northwest corner of a tract described as a 105-foot by 150-foot tract east of Locust Street and north of Linden Street in the Southwest Quarter, Southeast Quarter of said Section 1; thence east along the north line of said tract to the northeast corner of said tract, said point being the northwest corner of Parcel A of the West One-half of the Southeast Quarter of said Section 1; thence south along the west line of said Parcel A to the southwest corner of said Parcel A, said point being on the north line of Linden Street; thence continuing south across Linden Street to a point on the south line of Linden Street; thence east along the south line of Linden Street to the point of intersection of the south line of Linden Street and the west line of Walnut Street; thence south along the west line of Walnut Street to the point of intersection of the west line of Walnut Street and the north line of Court Street; thence west along the north line of Court Street to the point of intersection of the north line of Court Street and the northerly right-of-way line of Iowa Highway 141; thence southwesterly along an alignment perpendicular to the centerline of Iowa Highway 141 to a point on the southerly right-of-way line of Iowa Highway 141; thence southeasterly along the southerly right-of-way line of Iowa Highway 141 to the point of beginning.

(Ord. 282 – Dec. 09 Supp.)

4. Amendment Three Area. Amendment Three Area means the extended area of the Granger Urban Renewal Project Area, the boundaries of which are set out below, such amended and additional area having been identified in Amendment No. Three to the Urban Renewal Plan approved by the Council by Resolution adopted on September 14, 2016:

Commencing at the Northeast corner of the intersection of the right-of-way of Court Street and Sycamore Street; thence North along the east right-of-way line of Sycamore Street to the intersection of the east right-of-way line of Sycamore Street and the south right-of-way line of Lowell Street, thence East along the south right-of-way line of Lowell Street to the point of intersection of the south right-of-way line of Lowell Street and the east right-of-way line of Locust Street; thence North to the point

of intersection of the north right-of-way line of Lowell Street and the east right-of-way line of Locust Street; thence West along the north right-of-way line of Lowell Street to the point of intersection of the north right-of-way line of Lowell Street and the east right-of-way line of Sycamore Street; thence North along the east right-of-way line of Sycamore Street to the North line of the northwest quarter of the southeast quarter of Section 1, Township 80 North, Range 26 West of the Fifth Principal Meridian; thence West to a point on the west right-of-way line of Sycamore Street; thence South along the west right-of-way line of Sycamore Street to the point of intersection of the west right-of-way line of Sycamore Street and the north right-of-way line of Elm Street; thence West along the north right-of-way line of Elm Street to the point of intersection of the north right-of-way line of Elm Street and the east right-of-way line of Cherry Street; thence North along the east right-of-way line of Cherry Street to the point of intersection of the east right-of-way line of Cherry Street and the north right-of-way line of Linden Street; thence West along the north right-of-way line of Linden Street to the west end of the right-of-way of Linden Street; thence continuing West along a line described as the north line of the North 60 feet of the South 919.95 feet of the East 625.13 feet of the southwest quarter of the southwest quarter of Section 1, Township 18 North, Range 26 West of the Fifth Principal Meridian to the west line of said parcel; thence continuing directly South to a point on the south right-of-way line of Kennedy Boulevard; thence continuing Southeasterly along the southerly right-of-way line of Kennedy Boulevard said line also being the north right-of-way line of the former railroad right-of-way across the South half of the southeast quarter of the southwest quarter of said Section 1 to the North line of the right-of-way of State Street; thence South to a point on the south right-of-way line of State Street; thence South to a point on the south right-of-way line of State Street; thence West to the point of intersection of the south right-of-way line of State Street and the north right-of-way line of Iowa Highway 141; thence Westerly and Southeasterly along the northeasterly right-of-way line of Iowa Highway 141 to the point of intersection of the northeasterly right-of-way line of Iowa Highway 141 and the north right-of-way of Court Street; thence East along the north right-of-way line of Court Street to the point of intersection of the north right-of-way line of Court Street and the east right-of-way line of Sycamore Street said point being the point of beginning.

(Ord. 347 – Dec. 16 Supp.)

5. Amendment Four Area. Amendment Four Area means that portion of the Urban Renewal Project Area in the City of Granger, State of Iowa, identified in Amendment No. 4 to the Urban Renewal Plan for the Granger Urban Renewal Area approved by Resolution No. 2018-22 on the 11th day of July, 2018, which Amendment Four Area includes the lots and parcels located within the area legally described as follows:

Commencing at the southeast corner of Parcel A West one-half, Southwest Quarter Section 1, Township 80 North, Range 26 West of the Fifth Principal Meridian; thence north along the east line of said Parcel A

to the northeast corner of said Parcel A; thence west along the north line of said Parcel A to the northwest corner of said Parcel A; said northwest corner also being a point on the east line of Lot A, Ironwood Estates Plat 3 an official plat in and forming a part of the City of Granger, Dallas County, Iowa; thence northerly along the easterly line of said Lot A to the south line of Lot B of the final plat of Ironwood Estates Plat 3; thence easterly along the southerly line of Lot B to the northwest corner of Lot 11, Ironwood Estates Plat 3; thence south along the west line of said Lot 11 to the southwest corner of said Lot 11; thence east along the south line of Lot 11 to the southeast corner of said Lot 11; thence east along the south line of Lot 12, Ironwood Estates Plat 3 to the southeast corner of said Lot 12; thence north along the east line of said Lot 12 to the northeast corner of said Lot 12; thence northwesterly along the northerly line of said Lot 12 to the northwest corner of said Lot 12, said point also being on the boundary of Lot B; thence continuing northwesterly and westerly along the easterly and northerly line of said Lot B to the east line Lot D; thence north along the east line of said Lot D to the northeast corner of said Lot D; thence west along the north line of said Lot D to the northwest corner of said Lot D; thence south along the west line of said Lot D to the north line of said Lot B; thence west along the north line of said Lot B to the southeast corner of Lot C, Ironwood Estates Plat 3; thence north along the east line of said Lot C to the northeast corner of said Lot C; thence west along the north line of said Lot C to the northwest corner of said Lot C; thence south along the west line of said Lot C to the southwest corner of said Lot C; thence west along the north line of said Lot B to the northwest corner of said Lot B; thence south along the west line of said Lot B to the southwest corner of said Lot B; thence south along the west line of Lot 44, Ironwood Estates Plat 3 to the southwest corner of said Lot 44; thence east along the south line of said Lot 44 to the southeast corner of said Lot 44; thence north along the east line of said Lot 44 to the northeast corner of said Lot 44, said point also being located on the southerly line of said Lot B; thence east along the south line of said Lot B to a point on the west line of said Lot A; thence south along the west line of said Lot A to the northeast corner of Lot 41, Ironwood Estates Plat 3; thence west along the north line of Lot 41 to the northwest corner of said Lot 41, said point also being located on the east line of said Lot 44; thence south along the west line of said Lot 41 to the southwest corner of said Lot 41; thence south along the west line of Lot 42, Ironwood Estates Plat 3 to the southwest corner of said Lot 42; thence east along the south line of said Lot 42 to a point on the west line of Lot A; thence south along the west line of Lot A to the southwest corner of said Lot A; thence southeasterly along the southerly line of said Lot A to the southeast corner of said Lot A; thence north along the east line of said Lot A to the southwest corner of Parcel A of the west one-half of the southwest quarter Section 1, Township 80 North, Range 26 West; thence east along the south line of said Parcel A to the point of beginning.

(Subsection 5 – Ord. 378 – Aug. 20 Supp.)

8.03 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY. After the effective date of the Ordinance codified by this Chapter, the

taxes levied on the taxable property in the Urban Renewal Project Area each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

1. As to the Original Project Area, that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in said Urban Renewal Area upon the total sum of assessed value of the taxable property in the Urban Renewal Project as shown on the assessment roll last equalized prior to the date of initial adoption of Ordinance No. 222A for the Granger Urban Renewal Project shall be allocated to and when collected be paid into the Fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. The taxes so determined may be referred herein as the "base period taxes". The date of assessment for the assessment roll last equalized prior to the date of adoption of Ordinance No. 153 was January 1, 1998.
2. As to the Amendment One Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll last equalized prior to adoption of Ordinance No. 247, being the assessment roll for January 1, 2006.
3. As to the Amendment Two Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll last equalized prior to adoption of this Ordinance No. 282, being the assessment roll for January 1, 2008.
4. As to the Amendment Three Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll last equalized prior to the adoption of this Ordinance No. 347, being the assessment roll for January 1, 2015.
5. As to the Amendment Four Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2018, being the assessment roll applicable to the property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 378. *(Ord. 378 – Aug. 20 Supp.)*
6. That portion of the taxes each year in excess of the base period taxes for the amended Urban Renewal Project Area, determined for each subarea thereof as provided in Subsections 1, 2, 3, 4, and 5, shall be allocated to and when collected be paid into the special tax increment fund previously established by the City of Granger, State of Iowa, to pay the principal of and interest on loans, monies advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Section 403.9 or Section 403.12 of the *Code of Iowa*, incurred by the City of Granger, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Project Area pursuant to the Urban Renewal Plan, as amended, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district

imposed pursuant to Iowa Code Section 298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code Section 257.19 (but in each case only to the extent required under Iowa Code Section 403.19(2)); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Iowa Code Section 346.27(22) related to joint county-city buildings; and (iv) any other exceptions under Iowa Code Section 403.19 shall be collected against all taxable property within the amended Urban Renewal Project Area without any limitation as hereinabove provided. *(Ord. 378 – Aug. 20 Supp.)*

7. Unless or until the total assessed valuation of the taxable property in the subareas of the amended Urban Renewal Project Area exceeds the total assessed value of the taxable property in the subareas shown by the assessment rolls referred to in Subsections 1, 2, 3, 4, and 5, all of the taxes levied and collected upon the taxable property in the amended Urban Renewal Project Area shall be paid into the funds of the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes. *(Ord. 378 – Aug. 20 Supp.)*

8. At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of the City of Granger, State of Iowa, referred to Subsection 6 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the amended Urban Renewal Project Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property. *(Ord. 378 – Aug. 20 Supp.)*

[The next page is 53]

CHAPTER 9

TWIN EAGLES POINT URBAN RENEWAL AREA

9.01 Purpose

9.02 Twin Eagles Point Urban Renewal Area

9.03 Provisions for Division of Taxes Levied on Taxable Property

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

9.02 TWIN EAGLES POINT URBAN RENEWAL. The provisions of this section apply to the Twin Eagles Point Urban Renewal Area, such area being defined as follows:

Part of the Southwest Quarter of Section 7, part of the Southeast Quarter of Section 7, and part of the Northeast Quarter of Section 18 all in Township 80, Range 25 West of the 5th P.M., City of Granger, Polk County, Iowa, being more particularly described as follows:

Beginning at the Southeast Corner of Lot 33 in Twin Eagles Point Plat 1, an Official Plat, now included in and forming a part of the City of Granger, Polk County, Iowa, as filed in Book 10576, Page 9 in the Office of the Recorder for Polk County, Iowa;

Thence South on the extended East line of said Twin Eagles Point Plat 1 to the North Line of Parcel C of that Plat of Survey filed in Book 8075, Page 413 in the Office of the Recorder for Polk County, Iowa, being part of the 100 foot abandoned right-of-way of the Des Moines and Central Iowa Railroad in the Northwest Quarter of the Southwest Quarter, the Southwest Quarter of the Southwest Quarter, the Southeast Quarter of the Southwest Quarter, the Southwest Quarter of the Southeast Quarter, and the Southeast Quarter of the Southeast Quarter of said Section 7 and part of the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter of said Section 18;

Thence Southeast on the North line of said Parcel C to the Northeast corner of said Parcel C;

Thence South on the East line of said Parcel C to the Southeast corner of said Parcel C;

Thence Northwest on the South line of said Parcel C to the southernmost corner of Outlot "Z" in Twin Eagles Point Plat 2, an Official Plat, now included in and forming a part of the City of Granger, Polk County, Iowa, as filed in Book 11390, Page 721 in the Office of the Recorder for Polk County, Iowa;

Thence Northeast and North on the East line of said Twin Eagles Point Plat 2 to the Southwest corner of Lot 43 in said Twin Eagles Point Plat 1;

Thence East on the South line of said Twin Eagles Point Plat 1 to the point of beginning.

9.03 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY. That the taxes levied on the taxable property in the Urban Renewal Area legally described in Section 9.02, by and for the benefit of the State of Iowa, City of Granger, County of Polk, Woodward-Granger Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Granger, State of Iowa, certifies to the Auditor of Polk County, Iowa the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid.

2. That portion of the taxes each year in excess of the base period taxes determined as provided in subsection 1 of this section shall be allocated to and when collected be paid into a special tax increment fund of the City of Granger, State of Iowa, hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 or 403.12 of the Code of Iowa, as amended, incurred by the City of Granger, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Area pursuant to the Urban Renewal Plan, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code Section 298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code Section 257.19 (but in each case only to the extent required under Iowa Code Section 403.19(2)); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Iowa Code Section 346.27(22) related to joint county-city buildings; and (iv) any other exceptions under Iowa Code Section 403.19 shall be collected against all taxable property within the Urban Renewal Area without any limitation as hereinabove provided.

3. Unless or until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in the Urban Renewal Area as shown by the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

4. At such time as the loans, advances, indebtedness, bonds and interest thereon of the City of Granger, State of Iowa, referred to in subsection 2 of this section have been paid, all monies thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.
(Ord. 344 – Dec. 16 Supp.)

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CHAPTER 9A

LANDING AT OXLEY CREEK URBAN RENEWAL AREA

9A.01 Purpose

9A.02 Landing at Oxley Creek Urban Renewal Area

9A.01 PURPOSE. The purpose of this chapter is to provide for the division of taxes levied on the taxable property in the Landing at Oxley Creek Urban Renewal Area of the City each year by and for the benefit of the State, City, County, school districts, or other taxing districts after the effective date of the ordinance codified in this chapter in order to create a special fund to pay the principal of and interest on loans, advances, or indebtedness, including bonds proposed to be issued by the City, to finance projects in such area.

9A.02 LANDING AT OXLEY CREEK URBAN RENEWAL AREA. The provisions of this section apply to the Landing at Oxley Creek Urban Renewal Area, which Urban Renewal Area includes the lots and parcels within the area legally described as follows:

Part of the Southeast Quarter of Section 1, Township 80 north, Range 26 West of the 5th P.M., City of Granger, Dallas County, Iowa, being more particularly described as follows:

Commencing at the southeast corner of Lot 18 Landing at Oxley Creek Plat 2; thence West along the South line of Landing at Oxley Creek Plat 2 to the southwest corner of Lot 19 Landing at Oxley Creek Plat 2; thence North along the West line of said Lot 19 to the northwest corner of said Lot 19; thence West along the South line of Landing at Oxley Creek Plat 2 to the southwest corner of Lot 28 Landing at Oxley Creek Plat 2; thence South 05 Degrees, 44 Minutes, 36 Seconds West a distance of 31.02 Feet; thence Westerly to the southeast corner of Lot 1 Landing at Oxley Creek Plat 2; thence Westerly along the Southerly line of said Lot 1 to the southwest corner of said Lot 1; thence Westerly along the Southerly line of Outlot J Landing at Oxley Creek Plat 2 to the southwest corner of said Outlot J, said point also being located on the easterly line of Parcel C of the Northwest Quarter of the Southeast Quarter of Section 1, Township 80 North, Range 26 West of the 5th P.M.; thence Southerly along the Easterly line of said Parcel C to the southwest corner of said Parcel C; thence West along the South line of the Northwest Quarter of the Southeast Quarter of said Section 1 to the East right-of-way line of Sycamore Street; thence North along the East right-of-way line of Sycamore Street to the North line of the Northwest Quarter of the Southeast Quarter of said Section 1; thence East along the North line of Parcel C of the Northwest Quarter of the Southeast Quarter of said Section 1 to the northeast corner of said Parcel C; thence Southerly along the Easterly line of said Parcel C to the northwest

corner of Outlot L Landing at Oxley Creek Plat 2; thence East along the North line of Landing at Oxley Creek Plat 2 to the northeast corner of Lot 15 Landing at Oxley Creek Plat 2; thence South along the East line of Landing at Oxley Creek Plat 2 to the point of beginning.

1. That the taxes levied on the taxable property in the Urban Renewal Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, City of Granger, County of Dallas, Woodward-Granger Community School District, and all other taxing districts from and after the effective date of this ordinance shall be divided as hereinafter in this ordinance provided.
2. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Granger, State of Iowa, certifies to the Auditor of Dallas County, Iowa the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid.
3. That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this ordinance shall be allocated to and when collected be paid into a special tax increment fund of the City of Granger, State of Iowa, hereby established, to pay the principal of and interest on loans, moneys advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 or 403.12, *Code of Iowa*, as amended, incurred by the City of Granger, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Area, pursuant to the Urban Renewal Plan, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2, *Code of Iowa*, and taxes for the instructional support program of a school district imposed pursuant to Section 257.19, *Code of Iowa*, (but in each case only to the extent required under Section 403.19(2), *Code of Iowa*); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Section 346.27(22), *Code of Iowa*, related to joint county-city buildings; and (iv) any other exceptions under Section 403.19, *Code of Iowa*, shall be collected against all taxable property within the Urban Renewal Area without any limitation as hereinabove provided.

4. Unless or until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in the Urban Renewal Area as shown by the assessment roll referred to in Section 2 of this ordinance, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

5. At such time as the loans, advances, indebtedness, bonds and interest thereon of the City of Granger, State of Iowa, referred to in Section 3 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The provisions of this ordinance are intended and shall be construed so as to fully implement the provisions of Section 403.19, *Code of Iowa*, as amended, with respect to the division of taxes from property within the Urban Renewal Area as described above. In the event that any provision of this ordinance shall be determined to be contrary to law, it shall not affect other provisions or application of this ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19, *Code of Iowa*, with reference to the Urban Renewal Area and the territory contained therein.

(Chapter 9A – Ord. 403 – Feb. 23 Supp.)

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CHAPTER 10

INDUSTRIAL PROPERTY EXEMPTIONS

10.01 Purpose
10.02 Definitions
10.03 Period of Partial Exemption
10.04 Amounts Eligible for Exemption
10.05 Limitations

10.06 Applications
10.07 Approval
10.08 Exemption Repealed
10.09 Dual Exemptions Prohibited

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

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

1. “Actual value added” means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the County Assessor as of January 1 of each year for which the exemption is received.
2. “Distribution center” means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. Distribution center does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.
3. “New construction” means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue competitively to manufacture or process

those products, which determination shall receive prior approval from the City Council of the City upon the recommendation of the Iowa Department of Economic Development.

4. “New machinery and equipment assessed as real estate” means new machinery and equipment assessed as real estate pursuant to Section 427A.1, Subsection 1, Paragraph “e,” *Code of Iowa*, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

5. “Research-service facilities” means a building or group of buildings devoted primarily to research and development activities, including, but not limited to, the design and production or manufacture of prototype products for experimental use, and corporate research services which do not have a primary purpose of providing on-site services to the public.

6. “Warehouse” means a building or structure used as a public warehouse for the storage of goods pursuant to Chapter 554, Article 7, of the *Code of Iowa*, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

10.03 PERIOD OF PARTIAL EXEMPTION. The actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses, distribution centers, and the acquisition of or improvement to machinery and equipment assessed as real estate, is eligible to receive a partial exemption from taxation for a period of five (5) years.

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

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

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

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

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

reduced below the assessed value of the industrial real estate before the start of the new construction added.

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

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

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

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

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

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

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

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

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

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

(Ch. 10 – Ord. 379 – Aug. 20 Supp.)

[The next page is 71]

CHAPTER 15

MAYOR

15.01 Term of Office
15.02 Powers and Duties
15.03 Appointments

15.04 Compensation
15.05 Compensation

15.01 TERM OF OFFICE. The Mayor is elected for a term of two (2) years.

(Code of Iowa, Sec. 376.2)

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

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

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

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

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

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

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

4. Mayor's Veto. Sign, veto or take no action on an ordinance, amendment or resolution passed by the Council. The Mayor may veto an ordinance, amendment or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto. *(Ord. 130 - May 98 Supp.)*

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

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

6. Negotiations. Represent the City in all negotiations properly entered into in accordance with law or ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law, ordinance, or Council direction.
7. Contracts. Whenever authorized by the Council, sign contracts on behalf of the City.
8. Professional Services. Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the Council, the Mayor shall act in accordance with the Code of Ordinances and the laws of the State.
9. Licenses and Permits. Sign all licenses and permits which have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.
10. Nuisances. Issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable.
11. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

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

(Code of Iowa, Sec. 372.4)

1. Police Chief
2. Peace Officers
3. Library Board of Trustees
4. Parks and Recreation Board
5. Director of Public Works

(Ord. 364 – Dec. 18 Supp.)

15.04 COMPENSATION. The salary of the Mayor is three hundred dollars (\$300.00) per month.

(Ord. 246 – Feb. 08 Supp.)

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

15.05 COMPENSATION. The salary of the Mayor is six hundred dollars (\$600) per month.

(Ord. 398 – Feb. 23 Supp.)

[The next page is 75]

CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council
16.02 Powers and Duties

16.03 Voting Rights
16.04 Compensation

16.01 VICE PRESIDENT OF COUNCIL. The Mayor Pro Tem is vice president of the Council.

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

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

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

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

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

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

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

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CHAPTER 17

COUNCIL

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

17.04 Meetings
17.05 Appointments
17.06 Compensation

17.01 NUMBER AND TERM OF COUNCIL. The Council consists of five (5) Council members elected at large for terms of four (4) years.

(Code of Iowa, Sec. 372.4 & 376.2)

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

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

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

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

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

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

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

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

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

5. Contracts. The Council shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the City unless either made by ordinance or resolution adopted by the Council, or reduced to writing and approved by the Council, or expressly authorized by ordinance or resolution adopted by the Council.

(Code of Iowa, Sec. 364.2[1] & 384.95 through 384.102)

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

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

7. Records. The Council shall require the Clerk to maintain records of its proceedings.

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

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

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

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

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

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

(Ord. 256 – Feb. 08 Supp.)

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

(Ord. 130 - May 98 Supp.)

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

1. Regular Meetings. The time and place of the regular meetings of the Council shall be on the second Thursday of each month at seven

o'clock (7:00) p.m. at the Granger Community Center. If such day falls on a legal holiday, the meeting shall be held on the following Thursday at the same time unless a different day or time is determined by the Council. *(Ord. 406 – Feb. 23 Supp.)*

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 Council submitted to the 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 Council. A record of the service of notice shall be maintained by the Clerk.

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

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

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

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

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

5. Compelling Attendance. Any three (3) members of the Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.

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

1. City Clerk
2. City Attorney
3. Board of Adjustment
4. Plan and Zoning Commission
5. Building Official
6. Zoning Administrator

(Ord. 364 – Dec. 18 Supp.)

17.06 COMPENSATION. The salary of each Council member is two hundred dollars (\$200) per month. *(Ord. 398 – Feb. 23 Supp.)*

[The next page is 83]

CHAPTER 18

CITY CLERK

18.01 Appointment and Compensation	18.08 Records
18.02 Powers and Duties: General	18.09 Attendance at Meetings
18.03 Recording and Publication of Meeting Minutes	18.10 Issue Licenses and Permits
18.04 Recording Measures	18.11 Notify Appointees
18.05 Publication	18.12 Elections
18.06 Authentication	18.13 City Seal
18.07 Certify Measures	

18.01 APPOINTMENT AND COMPENSATION. At its first meeting in January following the regular city election the Council shall appoint by majority vote a City Clerk to serve for a term of two (2) years. The Clerk shall receive such compensation as established by resolution of the Council.

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

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

18.03 RECORDING AND PUBLICATION OF MEETING MINUTES. The Clerk shall attend all regular and special Council meetings and within fifteen (15) days following a regular or special meeting shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claim.

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

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

(Ord. 130 - May 98 Supp.)

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

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

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

the date of the election, hearing or other action, unless otherwise provided by law.

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

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

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

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

(Ord. 130 - May 98 Supp.)

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

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

(Code of Iowa, Sec. 380.11)

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

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

(Ord. 130 - May 98 Supp.)

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

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

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

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

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

4. Provide Copy. Furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control when

it may be necessary to such officer in the discharge of such officer's duty; furnish a copy to any citizen when requested upon payment of the fee set by Council resolution; under the direction of the Mayor or other authorized officer, affix the seal of the City to those public documents or instruments which by ordinance and Code of Ordinances are required to be attested by the affixing of the seal. *(Ord. 130 - May 98 Supp.)*

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

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

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

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

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

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

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

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

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

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

(Ord. 321 – Dec. 14 Supp.)

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

[The next page is 89]

CHAPTER 19

CITY TREASURER

19.01 Appointment
19.02 Compensation

19.03 Duties of Treasurer

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

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

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

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

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

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CHAPTER 20

CITY ATTORNEY

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

20.06 Opinion on Contracts
20.07 Provide Legal Opinion
20.08 Attendance at Council Meetings
20.09 Prepare Documents

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

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

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

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

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

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

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

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

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

20.06 OPINION ON CONTRACTS. The City Attorney shall, at the request of the Council, offer a written opinion on and recommend alterations pertaining to contracts involving the City before they become binding upon the City.

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

20.07 PROVIDE LEGAL OPINION. The City Attorney shall, upon request, give advice or a written legal opinion upon all questions of law relating to City matters submitted by the Mayor or Council.

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

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

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

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

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

[The next page is 95]

CHAPTER 21

CITY ADMINISTRATOR

21.01 Appointment and Term
21.02 Compensation
21.03 Qualifications

21.04 Duties
21.05 Council Relations

21.01 APPOINTMENT AND TERM. The City Administrator shall be appointed by a majority vote of all members of the Council, shall hold office at the discretion of the Council, and shall be subject to removal and termination by majority vote of all members of the Council, subject to the provisions and protections of Section 372.15 of the *Code of Iowa*.

21.02 COMPENSATION. The City Administrator shall receive such annual salary and benefits as the Council shall from time to time determine, and payment shall be made from the treasure of the City in the manner provided for the payment of compensation and allocation of benefits to other officers and employees of the City.

21.03 QUALIFICATIONS. The City Administrator shall be a person competent by education and/or experience to perform the duties imposed upon such person by this chapter. The City Administrator:

1. Shall possess a college degree in public administration or a related field and have three (3) years of experience in city administration or shall have a minimum of eight (8) years of practical experience in city administration.
2. Following appointment, shall reside within the school district of Woodward-Granger Community Schools or within ten miles of the City limits of the City of Granger.
3. Shall devote full time to the diligent and faithful performance of duties hereunder and shall not, during the term as Administrator, engage in any other employment or self-employment activities or endeavors or hold any other office or position, except with approval of the Council, by motion.
4. Shall not, during the term as City Administrator, hold any position as officer or director of any "for-profit" organization which does business or carries on any activities in the City, or own more than five percent (5%) of the outstanding stock of any corporation which does business or carries on activities within the City.

21.04 DUTIES. The duties of the City Administrator are as follows:

1. To supervise and direct the duties of the City Clerk and City Treasurer.
2. To supervise enforcement and execution of the City ordinances and resolutions and applicable State and federal laws and regulations within the City.
3. To attend all meetings of the Council unless excused by the Mayor or majority of the Council members.
4. To recommend to the Council such measure as may be necessary or expedient for the good government and welfare of the City.
5. To have the general supervision and direction of the administration of the City government.
6. To supervise and conduct the business affairs of the City and cause accurate records to be kept by modern and efficient account methods.
7. To supervise the performance of all contracts for work to be done for the City, supervise all purchases of material, supplies and equipment and ensure that such material, supplies and equipment are received and are of the quality and character called for by the contract.
8. To supervise the construction, improvements, repair, maintenance, and management of all City property, capital improvements and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications and estimates for capital improvements.
9. To be directly responsible to the Council for the administration of the City as directed by the Council and Mayor.
10. To supervise and direct through established procedures, all officers, departments and employees of the City, specifically including but not limited to police, fire, EMS, streets, sewers, waste disposal and central administration.
11. To represent the City as directed by the Council, in all negotiations and relations with employees, contractors, consultants, other governmental units and civic organizations in which the City may have in interest.
12. To cooperate with, assist and advise all administrative agencies, City boards and commissions and act as the Council's liaison and representative to such entities.

13. To investigate the performance and conduct of any department agency, officer or employee of the City, as deemed appropriate.
14. To keep the Mayor and Council fully advised of the financial and other conditions of the City and of its future needs.
15. To supervise and assist City boards, commissions and all City departments in the preparation, administration and operation of the City's annual budget.
16. To make to the Council periodic reports of the general condition of the City in writing at such intervals as the Council directs.
17. To advise, assist and consult with the City Attorney on all City legal matters.
18. To formulate and recommend employment and personnel policies, compensation schedules and benefits; to prepare and maintain job descriptions for all City employees, all with the approval of the Council; to supervise and direct negotiations in all matters relating to collective bargaining.
19. To compile and maintain current and up-to-date information regarding all funding sources of the City, including State and federal grant and loan programs; to plan, develop, prepare and submit, with the approval and at the direction of the Council, applications for grants, loans and other sources of funding and to administer all such funding.
20. To make recommendations to the Mayor and Council and to participate in projects and endeavors to support and promote economic growth and development in the City.
21. To faithfully represent the Council and the City in intergovernmental relations.
22. To have the power to employ, reclassify, discipline or suspend any employee under the Administrator's direct control. The City Administrator shall also have the power to employ, reclassify, discipline, suspend or discharge any employee under the supervision and control of any department head, but only with the concurrence of the department head. The City Administrator shall not have the authority to employ or appoint, reclassify, discipline, suspend or discharge the Police Chief, Fire Chief, the EMS Chief, the Public Works Director, the City Clerk or the City Attorney. However, the City Administrator shall, when appropriate, recommend to the Council action regarding such appointed officers or employees of the City and shall also recommend to and seek direction from the Council when the Administrator and a department

head are not in agreement in regard to the employment, reclassification, suspension, discipline or discharge of a City employee.

23. To perform such other duties as the Mayor or Council may direct.

21.05 COUNCIL RELATIONS. The City Administrator shall not participate in campaign activities in any City election, except by casting his or her vote, and shall not appoint an elected City official to any City office or employment position.

(Chapter 21 – Ord. 402 – Feb. 23 Supp.)

CHAPTER 22

LIBRARY BOARD OF TRUSTEES

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

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

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

22.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of three (3) resident members and two (2) nonresident members. All resident members are to be appointed by the Mayor with the approval of the Council. The nonresident members are to be appointed by the Mayor with the approval of the County Board of Supervisors.

22.03 QUALIFICATIONS OF TRUSTEES. All resident members of the Board shall be bona fide citizens and residents of the City. The nonresident members of the Board shall be bona fide citizens and residents of the Woodward-Granger School District. Members shall be over the age of eighteen (18) years.

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

1. Term of Office. All appointments to the Board shall be for six (6) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third (1/3) the total number or as near as possible, to stagger the terms.
2. Vacancies. The position of any resident Trustee shall be vacated if such member moves permanently from the City. The position of a nonresident Trustee shall be vacated if such member moves permanently from the School District. The position of any Trustee shall be deemed vacated if such member is absent from six (6) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City or County. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.

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

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

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary.
2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a 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.
5. Removal of Personnel. To remove the librarian, by a two-thirds (2/3) vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence or inattention to duty, subject however, to the provisions of Chapter 35C of the Code of Iowa.
6. Purchases. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery and supplies for the Library within budgetary limits set by the Board.
7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefor unless a contract for free service exists.
8. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations.
9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.

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

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

(Code of Iowa, Ch. 661)

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

13. County Historical and Genealogical Associations. To have authority to make agreements with the local County historical and genealogical associations where such exist, and to set apart the necessary room and to care for such articles as may come into the possession of the associations. 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, genealogical and educational nature and pay for the same out of funds allocated for Library purposes.

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

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

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

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

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

1. Lending. By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City, or County, or upon payment of a special nonresident Library fee.
2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.
3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.
4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

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

(Code of Iowa, Sec. 384.20 & 392.5)

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 714.1)

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

1. Failure To Return. Failure to return Library materials for two (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 the Library equipment, is

evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec. 808.12)

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CHAPTER 23

PLAN AND ZONING COMMISSION

23.01 Plan and Zoning Commission
23.02 Term of Office
23.03 Vacancies

23.04 Compensation
23.05 Powers and Duties

23.01 PLAN AND ZONING COMMISSION. There shall be appointed by the Council a City Plan and Zoning Commission, hereinafter referred to as the Commission, consisting of five (5) 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.

(Code of Iowa, Sec. 414.6 & 392.1)

23.02 TERM OF OFFICE. The term of office of the members of the Commission shall be four (4) years. The terms of not more than one-third of the members will expire in any one year.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

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

(Code of Iowa, Sec. 392.1)

2. Reports. The Commission shall make written reports to the Mayor and Council of its activities from time to time as it deems advisable or upon request by the Council. Its revenues and expenditures shall be

reported by the Clerk in the manner of other departmental expenditures.

(Ord. 205 – Nov. 04 Supp.)

(Code of Iowa, Sec. 392.1)

3. 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)

4. 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 bear 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. 414.6)

5. Preparation of Comprehensive Plan. 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.

6. Zoning. It shall recommend the boundaries of the various zoning districts, and appropriate regulations and restrictions to be endorsed thereon; and may, from time to time, recommend to the Council amendments, supplements, changes or modifications. It shall have all of the powers and authority granted to it in the Zoning Code contained in Chapter 165, 166 and 167 of this Code of Ordinances.

(Code of Iowa, Sec. 414.6)

7. Review and Comment on Plats. All plans, plats or re-plats of subdivisions or resubdivisions 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, pursuant to Chapter 170 of this Code of Ordinances.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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CHAPTER 24

PARKS AND RECREATION BOARD

24.01 Board Created
24.02 Appointment and Term
24.03 Officers
24.04 Compensation
24.05 Duties of the Board

24.06 Budget Certified
24.07 Records and Reports
24.08 Jurisdiction and Authority
24.09 Poles and Wires

24.01 BOARD CREATED. A Parks and Recreation Board consisting of five (5) citizens of the City is hereby created to advise the Council on the needed facilities to provide open space such as parks, playgrounds and community facilities for other forms of recreation. It shall also plan and oversee City programs and encourage other programs for the leisure time of the City's residents of all ages.

24.02 APPOINTMENT AND TERM. Board members shall be appointed by the Mayor, subject to the approval of the Council, for overlapping terms of five (5) years.

24.03 OFFICERS. The Board shall annually, each January, elect from among its membership, a Chair, Vice Chair and Secretary to serve in performing the functions of their respective offices for that calendar year.

24.04 COMPENSATION. There shall be no compensation attached to the office of Parks and Recreation Board Member, and all services performed by said board members shall be rendered without compensation therefor.

(Code of Iowa, Sec. 372.13[8] and 392.1)

24.05 DUTIES OF THE BOARD. In addition to its duty to make a plan for recreation and for the facilities for recreation and to update and revise these plans from time to time, the Board shall have oversight of the properties and personnel devoted to parks and recreation subject to the limitations of expenditure for salaries and supplies, contracts and capital outlays set forth in the annual budget provided by the Council for parks and recreation operations; and it shall cooperate with the Mayor in the allotment of time of City employees for parks and recreation purposes. The Chair shall order supplies by the procedures established by the Council for all departments of the City and payments will be made by warrant/check written by the Clerk for invoices submitted and approved by the Council.

24.06 BUDGET CERTIFIED. The Board shall, on or before the date specified in Section 7.05(2) of this Code of Ordinances, submit to the finance

officer a proposed budget and tax levy for general park purposes for the ensuing fiscal year. The Council shall include such tax levy, or so much thereof as it may deem necessary, in the levy for the General Fund of the City as certified to the County Auditor.

(Code of Iowa, Sec. 392.1)

24.07 RECORDS AND REPORTS. The Board shall keep a record of all its transactions and proceedings and submit a detailed annual report to the Council no later than August first of each year of the amounts of money expended and the purposes for which used.

(Code of Iowa, Sec. 392.1)

24.08 JURISDICTION AND AUTHORITY. The Board shall have exclusive control of all parks and pleasure grounds acquired by it or of any other ground owned by the City and set apart for like purposes within or without the City. All ordinances of the City shall be in full force and effect in and over the territory occupied by such parks.

(Code of Iowa, Sec. 392.1)

24.09 POLES AND WIRES. The Board may regulate or forbid the erection of poles or the stretching of wire for electric light, street, railway, or other purposes in parks or in or along streets or highways or over public places laid out or controlled by it.

(Code of Iowa, Sec. 392.1)

[The next page is 115]

CHAPTER 25

PUBLIC WORKS

25.01 Supervision of Public Works
25.02 Appointment of Director

25.03 Duties of Director
25.04 Divisions Enumerated

25.01 SUPERVISION OF PUBLIC WORKS. The Director of Public Works shall supervise the Department of Public Works.

25.02 APPOINTMENT OF DIRECTOR. The Mayor, with Council approval, shall appoint the Director of Public Works.

25.03 DUTIES OF DIRECTOR. The Director of Public Works shall be responsible for the following:

1. The maintenance and repair of City streets, bridges, sidewalks, sewers, parks, and other public works facilities.
2. The cleaning of streets and public places.
3. The operation and maintenance of the water service system.
4. The operation and maintenance of the sanitary sewer system.
5. Oversight and maintenance of City vehicles and equipment used in the Department of Public Works.
6. Other related duties and functions as may be assigned by state law, the provisions of this Code of Ordinances and other City ordinances, or by the Mayor.

25.04 DIVISIONS ENUMERATED. The Department of Public Works shall be comprised of the following divisions:

1. Water. (See Chapters 90, 91, 92, and 93).
2. Sewer. (See Chapters 95, 96, 97, and 99).
3. Streets and Sidewalks. (See Chapters 123, 135, 136, 151, and 152).

(Ch. 25 – Ord. 364 – Dec. 18 Supp.)

[The next page is 119]

CHAPTER 26

RIGHT-OF-WAY

26.01 Definitions
26.02 Utility Systems
26.03 Permits Required
26.04 Permit Fee

26.05 Work in the Right-of-Way
26.06 Construction and Repair
26.07 Utility Business Contractors

26.01 DEFINITIONS. For use in this chapter, unless the context specifically indicates otherwise, the following terms are defined:

1. “City” means the City of Granger, Iowa, and where appropriate, shall include its officers, employees, and agents.
2. “Public property” means City-owned property or City-controlled easements.
3. “Public rights-of-way” means the area on, below, or above the public roadway, highway, street, alley, bridge, bicycle trail, or public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes and public easements.
4. “Standard specifications” means the City’s Standard Specifications for Public Improvements and Construction in Public Right-of-Way adopted, and from time to time amended, by the City Council.
5. “Utility business” means a company or entity providing utility services by wire, or through conduit, pipe, or similar structure, device or apparatus, and all equipment owned, operated, leased or subleased in connection with the operation of the utility business, and shall include, but is not limited to, poles wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, and other structures or appurtenances.

26.02 UTILITY SYSTEMS. A utility business shall construct, maintain, inspect, protect, repair, replace, retain a system in, under, upon, and along and across the public rights-of-way or public property, subject to the federal, state, and City regulatory powers, and subject to the provisions and requirements of this chapter.

26.03 PERMITS REQUIRED. A utility business shall submit to the Director of Public Works a permit request, along with maps and plans, to make excavations in the City streets, alleys, public rights-of-way, and public properties prior to undertaking any such work. A permit shall not be required

for a single commercial or residential service connection within a public right-of-way; however, a permit shall be required if such connection requires a street cut. A permit shall not be required for a single pole or single transformer change out, or a single street light change out.

26.04 PERMIT FEE. A permit fee in the amount of one hundred dollars (\$100) must be paid by the utility business at the time it submits its permit request, which fee is for the City's review of the utility business' proposed maps and plans and the City's inspection of the work undertaken by the utility business. The permit fee is in addition to any bond that may be required under the City's standard specifications. The Director of Public Works shall after review of maps and plans issue a permit, and prior to the commencement of any work by the utility business.

26.05 WORK IN THE RIGHT-OF-WAY. After the Director of Public Works reviews, approves, and issues a permit, the utility business shall provide the City a minimum of 24 hours' notice prior to the actual commencement of the work. The utility business shall not unnecessarily obstruct the use of streets, alleys, or public places; and shall comply with all provisions, requirements, and regulations in performing such work, including the City's standard specifications. The utility business' installation shall not interfere with the reasonable and proper use, construction, reconstruction, and maintenance of any public improvements or an existing or future public utility system component, or other structures upon or under public property.

26.06 CONSTRUCTION AND REPAIR. In the process of location, construction, reconstruction, replacement, or repair of any system component, the excavation or obstruction made or placed in or on public property at any time or for any purpose by a utility business shall, to protect the public and to assure the safe and efficient movement of traffic, be properly barricaded to comply, at a minimum, with requirements set forth in the Uniform Manual for Traffic Control. All pavement removed or damaged shall be properly and speedily replaced in accordance with the City's standard specifications.

26.07 UTILITY BUSINESS CONTRACTORS. The requirements of this chapter shall apply to all persons, firms, corporations, or entities performing work for a utility business under a contract, subcontract, or any other type of work order.

(Ch. 26 – Ord. 375 – Dec. 18 Supp.)

[The next page is 135]

CHAPTER 30

POLICE DEPARTMENT

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

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

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

30.02 ORGANIZATION. The department consists of the Police Chief and such other law enforcement officers and personnel (including reserve peace officers authorized by Chapter 80D of the Code of Iowa), whether full or part time, as may be authorized by the Council. *(Ord. 209 – Nov. 04 Supp.)*

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

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

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

(Code of Iowa, Sec. 80B.11 [2])

(IAC, 501-3 and 501-8)

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

30.06 PEACE OFFICERS APPOINTED. The Mayor shall appoint and dismiss the Police Chief, subject to the consent of a majority of the Council, and the Mayor shall appoint the other members of the department.

(Ord. 186 – Oct-03 Supp.)

(Code of Iowa, Sec. 372.4)

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

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

1. General. Perform all duties required of the police chief or marshal by law or ordinance.
2. Enforce Laws. Enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.
3. Writs. Execute and return all writs and other processes directed to the Police Chief.
4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.
(Code of Iowa, Sec. 321.266)
5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
6. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.
7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.
8. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.
9. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the Mayor or Council.
10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles, equipment and materials of the department.

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

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

(Code of Iowa, 804.17)

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

(Code of Iowa, 804.18)

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

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

[The next page is 141]

CHAPTER 31

DIRECTOR OF PUBLIC SAFETY

31.01 Appointment and Term
31.02 Compensation
31.03 Organizational Structure

31.04 Qualifications
31.05 Duties

31.01 APPOINTMENT AND TERM. The Director of Public Safety shall be appointed by the Mayor, subject to the approval of the Council, shall hold office at the discretion of the Mayor, and shall be subject to removal and termination at the Mayor's discretion, subject to the provisions and protections of Section 372.15 of the *Code of Iowa*. The Public Safety Director need not be a resident of the City at the time of his appointment but shall live within 10 miles of the City limits within six months after his/her appointment unless such residence requirement is waived by ordinance. The Public Safety Director may also serve and fulfill the duties of the Chief of Police as set forth in Chapter 30, if directed and appointed by the Mayor to do so.

31.02 COMPENSATION. The Director of Public Safety shall receive such annual salary and benefits as the Council shall from time to time determine, and payment shall be made from the treasure of the City in the manner provided for the payment of compensation and allocation of benefits to other officers and employees of the City.

31.03 ORGANIZATIONAL STRUCTURE. A duly appointed Director of Public Safety shall become the executive head of the Police Department and Fire/Rescue and and Emergency Medical Services Departments. The Director of Public Safety shall report to the City Administrator, and, upon approval of the City Administrator, and subject to Council approval, shall create any employment positions necessary to effectively operate the Police, Fire and Emergency Medical Services Departments.

31.04 QUALIFICATIONS. The Director of Public Safety shall be a person competent by education and/or experience to perform the duties imposed upon such person by this chapter. The Director of Public Safety:

1. Shall have knowledge of both law enforcement and fire protection and shall be versed in both disciplines to the extent that the Director is capable of managing both departments and have a good working knowledge of the function of each department.
2. Following appointment, shall reside within the school district of Woodward-Granger Community Schools or within ten miles of the City

limits of the City of Granger within six months of appointment unless such requirement is waived by formal resolution.

31.05 DUTIES. The duties of the Director of Public Safety are as follows:

1. To have jurisdiction, supervision and control of the government, administration, disposition and discipline of the officers and members of the Police, Fire, EMS Departments, and such other departments as directed by the City Administrator, and shall have all powers and duties connected with and incident to the supervision and control of the Police, Fire and EMS Departments, including those identified in Granger Municipal Code Chapters 30 and 35 except as otherwise provided by law.
2. To be responsible for the preparation and administration of the department's budget; review and monitor monthly reports, expenditures and balances; establish departmental goals and objectives; and develop rules, regulations, general orders and standard operating procedures.
3. To work with the Fire Chief and Police Chief to appoint all officers and members of the Fire Department and the Police Department, subject to the City rules, Fire Department by-laws and regulations, to such positions in said departments as are established by the Council, either by special ordinance or by incorporation in the City budget and to fill all vacancies therein and to remove the officers and members thereof for cause, pursuant to law.
4. To create and maintain relations with local and civic business organizations, establish public relations goals and objectives which are consistent with the goals and objectives of the City and establish and maintain a positive public image for the City.
5. To delegate duties to the chiefs of both the Police and Fire departments as said official determines necessary to carry out the respective responsibilities of each department.
6. To perform such other duties as the Mayor or Council may direct.

(Chapter 31 – Ord. 408 – Feb. 23 Supp.)

[The next page is 145]

CHAPTER 35

FIRE DEPARTMENT

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

35.09 Department Rules and Regulations
35.10 Accidental Injury Insurance
35.11 Liability Insurance
35.12 Calls Outside City
35.13 Mutual Aid
35.14 Authority to Cite Violations
35.15 Emergency Response Services

35.01 ESTABLISHMENT AND PURPOSE. A combination 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, to answer all emergency calls for which there is no other established agency.

35.02 ORGANIZATION. The department consists of the Fire Chief and such officers and personnel as may be authorized by Council. In case of the absence of the Fire Chief, the officer in rank shall be in charge and have and exercise all the powers of the Fire Chief. The Fire Chief shall report to the Director of Public Safety.

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

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

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

35.06 APPOINTMENT OF OFFICERS. The Fire Chief shall be appointed or dismissed by the Mayor subject to the consent of a majority of the Council. The remaining officers of the department shall be appointed by the Fire Chief with approval from the Director of Public Safety. In the absence of a Fire Chief, the next ranking officer shall assume all responsibilities until the Council has appointed a new Fire Chief.

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

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

1. Enforce Laws. Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin, and circumstances of fires.

2. Technical Assistance. Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.3)

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

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

8. Notification. Whenever death, serious bodily injury, or property damage in excess of \$200,000 has occurred as a result of fire or if arson is suspected, notify the State Fire Marshal's Division immediately. For all other fires causing an estimated damage of \$50.00 or more

emergency response 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 incident.

(Code of Iowa, Sec. 100.2 and 100.3)

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

(Code of Iowa, Sec. 100.12)

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

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

(Code of Iowa, Sec. 100.3)

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

13. Reports. Compile and submit first to the Director of Public Safety and then to the Mayor and Council an annual report of the status and activities of the department as well as such others.

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

35.09 DEPARTMENT RULES AND REGULATIONS. The Fire Chief shall adopt a set of rules and regulations for the administration of the department. Any such rules and regulations or changes to the rules and regulations shall be approved by the Director of Public Safety and the City Administrator prior to implementation.

35.10 ACCIDENTAL INJURY INSURANCE. The Council shall contract to insure the City against liability for worker's compensation and against

statutory liability for the costs of hospitalization, nursing, and medical attention for fire and emergency medical personnel, injured in the performance of their duties as fire fighter or EMS personnel whether within or outside the corporate limits of the City. All fire and emergency medical personnel shall be covered by the contract.

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

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

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

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

35.15 EMERGENCY RESPONSE SERVICE. The Fire Department shall provide emergency response services according to a fee schedule established by resolution adopted by the City Council. Such fees will be assessed when the Fire Department responds to fires involving any motor vehicle, hazardous material incident or to a major motor vehicle crash that requires extrication of one or more victims who are entrapped in a vehicle. Such fees may be waived with recommendations of the Fire Chief and upon final approval by the Mayor.

(Chapter 35 – Ord. 411 – Feb. 23 Supp.)

[The next page is 151]

CHAPTER 36

HAZARDOUS SUBSTANCE SPILLS

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

36.05 Notifications
36.06 Police Authority
36.07 Liability

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

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

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

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

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

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

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

or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

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

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

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

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

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

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

(Ord. 275 – Dec. 09 Supp.)

36.05 NOTIFICATIONS.

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

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

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

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

36.07 LIABILITY. The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the person having control over a hazardous substance as defined in Section 36.02[4].

[The next page is 185]

CHAPTER 40

PUBLIC PEACE

40.01 Assault
40.02 Harassment
40.03 Disorderly Conduct

40.04 Unlawful Assembly
40.05 Failure to Disperse

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

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

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

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

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

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

(Ord. No. 114 - Nov-95 Supp)

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

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

A. Communicates with another by telephone, telegraph, writing or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm. *(Ord. 166 – Apr. 01 Supp.)*

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 723.5)

(Ord. 348 – Dec. 16 Supp.)

40.04 UNLAWFUL ASSEMBLY. It is 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)

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

(Code of Iowa, Sec. 723.3)

CHAPTER 41

PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances	41.10 Throwing and Shooting
41.02 False Reports to or Communications with Public Safety Entities	41.11 Urinating and Defecating
41.03 (Repealed by Ordinance No. 111)	41.12 Fireworks
41.04 Refusing to Assist Officer	41.13 Drug Paraphernalia
41.05 Harassment of Public Officers and Employees	41.14 Pseudoephedrine Restrictions
41.06 Abandoned or Unattended Refrigerators	41.15 Providing False Identification Information
41.07 Antenna and Radio Wires	41.16 Removal of an Officer's Communication or Control Device
41.08 Barbed Wire and Electric Fences	41.17 Discharge of Firearms in A-1 Agriculture District
41.09 Discharging Weapons	

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

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

(Ord. No. 113 - Nov-95 Supp.)

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

(Code of Iowa, Sec. 719.1)

(Ord. 360 – Dec. 17 Supp.)

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

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

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

(Code of Iowa, Sec. 727.3)

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

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

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

41.09 DISCHARGING WEAPONS.

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, BB guns or other firearms of any kind within the City limits except by written consent of the Council, or except as provided in Section 41.17.

(Ord. 310 – Dec. 14 Supp.)

2. No person shall intentionally discharge a firearm in a reckless manner.

41.10 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground or public building, without written consent of the Council.

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

41.11 URINATING AND DEFECATING. It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way, or onto any public or

private building, including but not limited to the wall, floor, hallway, steps, stairway, doorway or window thereof, or onto any public or private land.

41.12 FIREWORKS.

(Code of Iowa, Sec. 727.2)

1. Definitions. For purposes of this section:
 - A. “Consumer fireworks” means the following fireworks, as described in Chapter 3 of the American Pyrotechnics Association (“APA”) Standard 87-1:
 - (1) First-class consumer fireworks:
 - a. Aerial shell kits and reloadable tubes;
 - b. Chasers;
 - c. Helicopters and aerial spinners;
 - d. Firecrackers;
 - e. Mine and shell devices;
 - f. Missile-type rockets;
 - g. Roman candles;
 - h. Sky rockets and bottle rockets;
 - i. Multiple tube devices under this paragraph which are manufactured in accordance with APA Standard 87-1, Section 3.5.
 - (2) Second-class consumer fireworks:
 - a. Cone fountains;
 - b. Cylindrical fountains;
 - c. Flitter sparklers;
 - d. Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA Standard 87-1, Section 3.5;
 - e. Ground spinners;
 - f. Illuminating torches;
 - g. Toy smoke devices that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2;
 - h. Wheels;
 - i. Wire or dipped sparklers that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2.

B. “Display fireworks” includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. “Display fireworks” does not include novelties or consumer fireworks enumerated in Chapter 3 of the APA Standard 87-1.

C. “Novelties” includes all novelties enumerated in Chapter 3 of the APA Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.

2. Display Fireworks. It is unlawful for any person to use or explode any display fireworks; provided, the City Council may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the City when the display fireworks will be handled by a competent operator, but no such permit shall be required for the display of display fireworks at the Iowa State Fairgrounds by the Iowa State Fair Board, at incorporated county fairs, or at district fairs receiving State aid. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

- | | |
|---------------------|-------------------------|
| A. Personal Injury: | \$250,000.00 per person |
| B. Property Damage: | \$50,000.00 |
| C. Total Exposure: | \$1,000,000.00 |

3. Consumer Fireworks.

A. It is unlawful for any person to use or explode consumer fireworks on days other than July 1 through July 8 and December 24 through Jan 1 of each year, all dates inclusive.

B. It is unlawful for any person to 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:

(1) 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.

(2) Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day.

C. It is unlawful for any person to 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. Novelties. This section does not apply to novelties.
(*Section 41.12 – Ord. 393 – Feb. 23 Supp.*)

41.13 DRUG PARAPHERNALIA.

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

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

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

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

(*Code of Iowa, Sec. 124.414*)

(*Ord. 163 – Apr. 01 Supp.*)

41.14 PSEUDOEPHEDRINE RESTRICTIONS. (Repealed by Ordinance No. 226 – Dec. 05 Supp.)

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

(*Ord. 289 – Dec. 10 Supp.*)

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

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

(*Code of Iowa, Sec. 708.12*)

(*Ord. 304 – Dec. 13 Supp.*)

41.17 DISCHARGE OF FIREARMS IN A-1 AGRICULTURE DISTRICT. A person may, with the consent of the owner or tenant, discharge a firearm upon property within the limits of the City which has been zoned as an “A-1 Agriculture

District” as provided in Section 167.10 of this Code of Ordinances (the Zoning Code). A person shall not, however, discharge a firearm within 200 yards of a building inhabited by people or domestic livestock, or within 200 yards of a feedlot, unless the owner or tenant of such property has given specific consent. As used in this section, “feedlot” means a lot, yard, corral, or other area in which livestock are present and confined for the purpose of feeding and growth before slaughter. The term does not include areas which are used for the raising of crops or other vegetation and upon which livestock are allowed to graze or feed.

(Ord. 310 – Dec. 14 Supp.)

CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing
42.02 Criminal Mischief
42.03 Defacing Proclamations or Notices

42.04 Unauthorized Entry
42.05 Fraud
42.06 Theft

42.01 TRESPASSING. It is unlawful for a person to knowingly trespass upon the property of another. As used in this section, the term “property” includes any land, dwelling, building, conveyance, vehicle or other temporary or permanent structure whether publicly or privately owned. The term “trespass” means one or more of the following acts:

(Code of Iowa Sec. 716.7 and 716.8)

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

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

2. Entering or Remaining on Property. Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or 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 [2b])

3. Interfering with Lawful Use of Property. Entering 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 [2c])

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

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

None of the above shall be construed to prohibit entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the

property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property.

(Code of Iowa, Sec. 716.7(3))

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)

CHAPTER 43

RESIDENCY RESTRICTIONS FOR SEX OFFENDERS

(CHAPTER 43 REPEALED BY ORDINANCE NO. 271 – DEC. 09 SUPP.)

[The next page is 225]

CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age
45.02 Repealed by Ordinance No. 134

45.03 Public Consumption or Intoxication
45.04 Open Container on Streets and Highways

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

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

(Code of Iowa, Sec. 123.47)

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

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

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

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

(Section 45.01 – Ord. 373 – Dec. 18 Supp.)

45.02 PERSONS EIGHTEEN, NINETEEN AND TWENTY. (REPEALED BY ORDINANCE NO. 134)

45.03 PUBLIC CONSUMPTION OR INTOXICATION.

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

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

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

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

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

2. A person shall not use or consume alcoholic liquor, wine or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated or simulate intoxication in a public place. A person violating this subsection is guilty of a simple misdemeanor.

3. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person’s own expense. If a device approved by the Commissioner of Public Safety for testing a sample of a person’s breath to determine the person’s blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person’s blood, breath, or urine established by the results of a chemical test performed within two hours after the person’s arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

(Code of Iowa, Sec. 123.46)

45.04 OPEN CONTAINER ON STREETS AND HIGHWAYS. *(Repealed by Ord. No. 119 - Nov-95 Supp. -- See Section 62.11 of this Code of Ordinances.)*

[The next page is 229]

CHAPTER 46

MINORS

46.01 Curfew

46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

46.01 CURFEW. A curfew applicable to minors is established and shall be enforced as follows:

1. Definition. The term “minor” means in this section, any unmarried person below the age of sixteen (16) years.
2. Time Limits. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City between the hours of eleven o’clock (11:00) p.m. and six o’clock (6:00) a.m. of the following day on days commencing on Sunday, Monday, Tuesday, Wednesday and Thursday and between the hours of twelve thirty o’clock (12:30) a.m. and six o’clock (6:00) a.m. on Saturday and Sunday.
3. Exceptions. The restriction provided by subsection 46.01(2) shall not apply to any minor who is accompanied by a guardian, parent or other person charged with the care and custody of such minor, or other responsible person over eighteen (18) years of age, nor shall the restriction apply to any minor who is traveling between his or her home or place of residence and the place where any approved employment, church, municipal or school function is being held.
4. Responsibility of Adults. It is unlawful for any parent, guardian or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon any of the streets, alleys, places of business, or amusement or other public places within the curfew hours set by subsection 46.01(2), except as otherwise provided in subsection 46.01(3).

(Code of Iowa, Sec. 613.16)

5. Responsibility of Business Establishments. It is unlawful for any persons operating a place of business or amusement to allow or permit any minor to be in or upon any place of business or amusement operated by them within the curfew hours set by subsection 46.01(2) except as otherwise provided in subsection 46.01(3).
6. Enforcement. Any peace officer of the City while on duty is hereby empowered to arrest any minor who violates any of the provisions of

Subsections 46.01(2) and (3). Upon arrest, the minor shall be returned to the custody of the parent, guardian or other person charged with the care and custody of the minor.

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

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

(Ord. 318 – Dec. 14 Supp.)

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

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

CHAPTER 47

PARK REGULATIONS

47.01 Purpose	47.08 Prohibited Areas
47.02 Use of Drives Required	47.09 Park Closing Time
47.03 Fires	47.10 Disorderly Conduct
47.04 Littering	47.11 Soliciting and Peddling
47.05 Camping and Picnicking Areas	47.12 Keg Beer
47.06 Domestic Animals	47.13 Removal and Disposal of Animal Waste
47.07 Removing Plants, Flowers, Fruit, Etc.	

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

(Code of Iowa, Sec. 364.12)

47.02 USE OF DRIVES REQUIRED. All driving and parking shall be confined to roadways, drives or parking areas. No vehicle shall be permitted to stand upon or obstruct the roadway or drive, except in case of emergency. All vehicles shall be parked in designated parking areas.

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

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

47.05 CAMPING AND PICNICKING AREAS. The Parks and Recreation Board may establish fees for shelter use and other special privileges which shall be in accordance with the cost of providing and reasonable value of such privileges. No person shall picnic in any portion of a City park except in portions prescribed or designated for that purpose by the Parks and Recreation Board, its custodian or a designated representative. Custodians are given authority to refuse shelter use privileges and to rescind any and all permits for just cause. No camping shall be allowed in any portion of a City park except in cases where a special use permit is issued by the Parks and Recreation Board.

47.06 DOMESTIC ANIMALS. No person shall allow any domestic privately owned animal to run at large in any City park. Every such animal shall be deemed as running at large unless such animal is carried, under the control of a leash or chain not exceeding six (6) feet in length, or kept confined in or attached to a vehicle. No person shall ride, drive or lead any horse in any

portion of a City park. No horse or other animal shall be hitched or tied to any tree or shrub or any other object in such a manner as to result in any injury to any property whatsoever.

47.07 REMOVING PLANTS, FLOWERS, FRUIT, ETC. No person shall, in any manner, remove, destroy, injure or deface any tree, shrub, plant or flower or disturb or injure any structure or natural attraction in any City park.

47.08 PROHIBITED AREAS. No person shall use or enter upon portions of any City park in disregard of official signs, gates or barriers forbidding same, except by permission of the Parks and Recreation Board, its custodian or a designated representative.

47.09 PARK CLOSING TIME. Except by prior arrangement or permission granted by the Parks and Recreation Board its custodian or a designated representative, all persons shall vacate the City parks between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m. the following day, except if posted otherwise, and shall not enter upon any City park seasonally closed by notice posted at the park entrance. The provisions of this section do not apply to authorized camping areas.

47.10 DISORDERLY CONDUCT. No person shall use threatening, abusive, insulting, profane or indecent language or be guilty of any act that constitutes a breach of the peace of any City park, or interfere with the use and enjoyment of any City park by others.

47.11 SOLICITING AND PEDDLING. Peddling, hawking, soliciting, begging or commercialism of any kind is prohibited without official permission of the Parks and Recreation Board.

47.12 KEG BEER. Keg beer is prohibited in any City park without an official special use permit issued by the Parks and Recreation Board.

47.13 REMOVAL AND DISPOSAL OF ANIMAL WASTE. All owners of animals shall remove and dispose of all excrement deposited in any park facilities by the owner's animal or animals in compliance with Chapter 55, Animal Protection and Control.
(Ord. 270 – Dec. 09 Supp.)

[The next page is 237]

CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance
50.02 Nuisances Enumerated
50.03 Other Conditions
50.04 Nuisances Prohibited
50.05 Nuisance Abatement
50.06 Notice to Abate: Contents
50.07 Method of Service

50.08 Request for Hearing
50.09 Abatement in Emergency
50.10 Abatement by City
50.11 Collection of Costs
50.12 Installment Payment of Cost of Abatement
50.13 Failure to Abate

50.01 DEFINITION OF NUISANCE. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance. *(Ord. No. 118 - Nov-95 Supp.)*
(Code of Iowa, Sec. 657.1)

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

1. Offensive Smells. 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.

(Ord. No. 118 - Nov-95 Supp.)

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

2. Filth or Noisome Substance. Causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.

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

3. Impeding Passage of Navigable River. Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.

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

4. Water Pollution. Corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

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

5. Blocking Public and Private Ways. Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.

(Code of Iowa, Sec. 657.2[5])

6. Billboards. 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. **(See also Section 62.09)**

(Code of Iowa, Sec. 657.2[7])

7. Cottonwood Trees. ***(Repealed by Ordinance No. 141 – Apr. 99 Supp.)***

8. Storing of Flammable Junk. Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**

(Code of Iowa, Sec. 657.2[10])

9. Air Pollution. Emission of dense smoke, noxious fumes or fly ash.

(Code of Iowa, Sec. 657.2[11])

10. Weeds, Brush. Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard.

(Code of Iowa, 657.2[12])

11. Dutch Elm Disease. Trees infected with Dutch Elm Disease. **(See also Chapter 151)**

(Code of Iowa, Sec. 657.2[13])

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

(Code of Iowa, Sec. 657.2[9])

13. Houses of Ill Fame. Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the Code of Iowa or places resorted to by persons using controlled substances, as defined in Section 124.101 of the Code of Iowa,

in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

(Code of Iowa, Sec. 657.2[6])

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

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

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

(Code of Iowa, Sec. 657.3)

50.05 NUISANCE ABATEMENT. Whenever the Mayor or other authorized municipal officer finds that a nuisance exists, such officer shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice.

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

50.06 NOTICE TO ABATE: CONTENTS. The notice to abate shall contain:

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

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

50.07 METHOD OF SERVICE. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

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

50.08 REQUEST FOR HEARING. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

50.09 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 which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 50.11 after notice to the property owner under the applicable provisions of Sections 50.05, 50.06 and 50.07 and hearing as provided in Section 50.08.

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

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

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

50.11 COLLECTION OF COSTS. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one (1) month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner, as general property taxes.

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

50.12 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds five hundred dollars (\$500.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

(Ord. 298 – Dec. 12 Supp.)

(Code of Iowa, Sec. 364.13)

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

EDITOR'S NOTE

A suggested form of notice for the abatement of nuisances is included in the appendix of this Code of Ordinances.

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

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CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

51.03 Junk and Junk Vehicles a Nuisance

51.04 Exceptions

51.05 Notice to Abate

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

1. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

2. “Junk Vehicle” means any vehicle located within the corporate limits of the City and not capable of being driven from the place of its location under its own power without the addition of parts or repairs thereon, or any vehicle not equipped with four inflated tires, or any vehicle not licensed for the current year. “Junk vehicle” also includes any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects or any vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety. Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

(Ord. 214 – Nov. 04 Supp.)

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

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

51.03 JUNK AND JUNK VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by

Section 51.04, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk or junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

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

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

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

51.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

[The next page is 265]

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.11 Damage or Interference
55.02 Animal Neglect	55.12 Annoyance or Disturbance
55.03 Livestock Neglect	55.13 Vicious Dogs
55.04 Abandonment of Cats and Dogs	55.14 Rabies Vaccination
55.05 Livestock	55.15 Owner's Duty
55.06 At-Large Prohibited	55.16 Confinement
55.07 Impoundment of At-large Animals	55.17 Summons Issued
55.08 Disposition of Animals	55.18 Pet Awards Prohibited
55.09 Impounding Costs	55.19 Duty to Remove and Dispose of Animal Waste
55.10 Place of Impoundment	

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

1. "Animal" means a nonhuman vertebrate.
2. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
3. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 170.1 of the Code of Iowa; ostriches, rheas, emus, or poultry.

(Ord. No. 117 - Nov-95 Supp. & Ord. No. 193 – Oct-03 Supp.)

4. "Owner" means any person owning, keeping, sheltering or harboring an animal.

(Code of Iowa, Sec. 717.1 and 717B.1)

5. "Vicious dog" means:
 - A. Any dog which has attacked a human being or domestic animal one or more times, without provocation;
 - B. Any dog with a history, tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals;
 - C. Any dog that snaps, bites or manifests a disposition to snap or bite;
 - D. Any dog that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes;
 - E. Any dog trained to attack human beings, upon command or spontaneously in response to human activities except dogs owned by and under the control of the Police Department, a law

enforcement agency of the State or United States or a branch of the armed forces of the United States;

F. Any Staffordshire Terrier breed of dog;

G. Any American Pit Bull Terrier breed of dog;

H. Any American Staffordshire Terrier breed of dog; or

I. Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire Terrier, American Pit Bull Terrier or American Staffordshire Terrier.

(Ord. 204 – Nov. 04 Supp.)

6. “Excrement” means feces and/or manure, and may be referred to as “animal waste.”

(Ord. 270 – Dec. 09 Supp.)

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

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

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

(Code of Iowa, Sec. 717.2)

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

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

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

55.06 AT-LARGE PROHIBITED. It is unlawful for any owner to allow dogs, cats, cattle, horses, swine, sheep or other similar animals or fowl to run at-large within the corporate limits of the City.

(Ord. 123 - Feb. 97 Supp.)

55.07 IMPOUNDMENT OF AT-LARGE ANIMALS. Animals found at-large in violation of this chapter may be seized and impounded by any employee or duly authorized agent of the City, and, at the discretion of the Police Chief, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

55.08 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven (7) days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia. *(Ord. 188 – Oct-03 Supp.)*

(Code of Iowa, Sec. 351.37, 351.41)

55.09 IMPOUNDING COSTS. Impounding costs shall be fifteen dollars (\$15.00) for the first impoundment of an animal; twenty-five dollars (\$25.00) for the second impoundment of an animal; and forty dollars (\$40.00) for each subsequent impoundment of the same animal, all in addition to the costs of boarding, food and care.

55.10 PLACE OF IMPOUNDMENT. The Council may enter into an agreement with any veterinary clinic or hospital or kennel for the placement of animals impounded pursuant to this chapter.

(Section 55.07 through 55.11 added by Ord. 1056 – Aug-95 Supp.)

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

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

55.13 VICIOUS DOGS.

1. Confinement. (a) All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed on property owned or leased

by the dog's owner. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides or, in lieu of a top, walls at least six feet in height and at least six inches taller than any internal structure. (b) All pens or other structures designed, constructed or used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet so as to prevent digging under the walls by the confined dog. (c) All structures erected to house vicious dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious dog may be kept on a porch, patio or in any porch of a house or structure that would allow the dog to exit such building on its own volition.

2. Leashing. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six (6) feet in length, and further provided that when leashed such dog must be on property owned or leased by its owner. No person shall permit a vicious dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless both dog and leash are under the actual physical control of a person eighteen years of age or older. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.

3. At Large. A vicious dog which is found, more than twice in any calendar year, not to be confined as herein required, shall be required to be permanently removed from the City or destroyed. An animal which is returned to the City after removal shall be humanely destroyed.

(Ord. 204 – Nov. 04 Supp.)

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

(Code of Iowa, Sec. 351.33)

55.15 OWNER'S DUTY. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local

board of health or the Police Chief the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38 & 351.41)

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

(Ord. 189 – Oct-03 Supp.)

(Code of Iowa, Sec. 351.39)

55.17 SUMMONS ISSUED. The owner of any dog, cat or other animal shall be issued a summons to appear before the proper court to answer charges of permitting such dog, cat or other animal to be at-large in violation of this chapter.

(Ord. 123 - Feb. 97 Supp.)

55.18 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

1. Definitions. As used in this section, the following terms are defined:

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

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

- (1) The sale or offer for sale of goods or services.
- (2) A recruitment for employment or membership in an organization.
- (3) A solicitation to make an investment.
- (4) An amusement or entertainment activity.

C. “Fair” means any of the following:

- (1) The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the Code of Iowa or any fair event conducted by a fair under the provisions of Chapter 174 of the Code of Iowa.
- (2) An exhibition of agricultural or manufactured products.

- (3) An event for operation of amusement rides or devices or concession booths.
 - D. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the Code of Iowa.
 - E. “Pet” means a living dog, cat or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko or iguana.
2. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
- A. A prize for participating in a game.
 - B. A prize for participating in a fair. *(Ord. 239 – Jan. 07 Supp.)*
 - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
 - D. An inducement or condition for executing a contract which includes provisions unrelated to the ownership, care or disposition of the pet.
3. Exceptions. This section does not apply to any of the following:
- A. A pet shop licensed pursuant to Section 162.5 of the Code of Iowa if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
 - B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen’s Federation.

(Ord. 217 – Nov. 04 Supp.)

55.19 DUTY TO REMOVE AND DISPOSE OF ANIMAL WASTE. On any public property (including the right-of-way, or the parking or terrace), or on any private property neither owned nor leased by the subject person, it shall be the duty of each person who owns, possesses, or controls an animal to immediately remove and dispose of any excrement left by the animal or animals on any public property, or any private property neither owned nor leased by such person. Any person who owns, possesses, or controls an animal and abandons such animal’s excrement contrary to the provisions of this section is in violation of this Code of Ordinances. The following persons are exempted from the requirements of this section:

- 1. A handicapped person with an animal who is physically unable to comply, and/or whose trained animal is serving as a guide.
 - 2. A peace officer when using a horse or dog for police purposes.
- (Ord. 270 – Dec. 09 Supp.)*

CHAPTER 56

KEEPING OF PIT BULL DOGS

(REPEALED BY ORDINANCE NO. 204 – NOV. 04 SUPP.)

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CHAPTER 57

URBAN CHICKENS

57.01 Purpose
57.02 Definitions
57.03 Permit Required
57.04 Issuance of Permit
57.05 Number and Type of Chickens Allowed
57.06 Zoning Districts Allowed
57.07 Non-Commercial Use Only
57.08 Enclosures

57.09 Odor and Noise Impacts
57.10 Predators, Rodents, Insects, and Parasites
57.11 Feed and Water
57.12 Waste Storage and Removal
57.13 Chickens at Large
57.14 Unlawful Acts
57.15 Nuisances

57.01 PURPOSE. The purpose of this chapter is to permit urban chickens in the City of Granger, Iowa.

57.02 DEFINITIONS. For use in this chapter the following defined terms shall apply:

1. “Chicken” shall mean a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.
2. “Urban chicken” shall mean kept on a permitted tract of land pursuant to a permit issued under this chapter.
3. “Permitting officer” shall mean the Public Works Director or designee.
4. “Permitted tract of land” shall mean the tract of land as identified by the application upon which a permit is granted for keeping chickens pursuant to this chapter.
5. “Permittee” means an applicant who has been granted a permit to raise, harbor, or keep chickens pursuant to this chapter.

57.03 PERMIT REQUIRED.

1. Permit Required. No person shall raise, harbor, or keep chickens within the City of Granger without a valid permit obtained from the permitting officer under the provisions of this chapter.
2. Application. In order to obtain a permit, an applicant must submit a properly completed application on forms provided by the City Clerk and payment of all fees required by this chapter.
3. Requirements. The requirement to the receipt of a permit include:
 - A. All requirements of this chapter are met;

- B. All fees, as may be provided for from time to time by City Council resolution, for the permit are paid in full;
- C. All judgments in the City's favor and against the applicant have been paid in full;
- D. No permit shall be issued without the written notification of adjacent property owners. Adjacent properties means all properties that share a property line with the applicant's property, including properties that contract each other at only one point. If the applicant is a renter, he/she must additionally obtain written permission from the landlord/property owner prior to any permit being issued.

57.04 ISSUANCE OF PERMIT.

1. Issuance of Permit. If the permitting officer concludes, as a result of the information contained in the application, that the requirements for a permit have been met the City Clerk shall issue the permit.
2. Renewal of Permit. A permittee shall apply to renew their permit every thirty-six (36) months.
3. Denial, Suspension, Revocation, Non-Renewal. The permitting officer may deny, suspend, revoke, or decline to renew any permit issues for any of the following grounds:
 - A. False statements on any application or other information or report required by this chapter to be given by the applicants;
 - B. Failure to pay any application penalty, re-inspection, or reinstatement fee required by this section or City Council resolution;
 - C. Failure to correct deficiencies noted in abatement notices in the time specified in the notice;
 - D. Failure to comply with the provisions of an approved mitigation/remediation plan by the permitting officer;
 - E. Failure to comply with any provision of this chapter.
4. Notification. A decision to revoke, suspend, deny, or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reason for action.
5. Effect of Revocation. When an application for permit is denied, or when a permit is revoked, the applicant may not re-apply for a new

permit for a period of one (1) year from the date of the denial or revocation.

6. Appeals. No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard is given to the applicant or holder of the permit. In any instance where the permitting officer has denied, revoked, suspended, or not renewed a permit, the applicant or holder of said permit may appeal the decision to the City Council within ten (10) business days of receipt by the applicant or holder of the permit of the notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing. The decisions of the City Council hearing the appeal, or any decision by the City Council designee which is not appealed in accordance to this chapter shall be deemed final action.

57.05 NUMBER AND TYPE OF CHICKENS ALLOWED.

1. The maximum number of chickens allowed is eight (8) per tract of land.
2. Only female chicken (hens) kept for laying of eggs are allowed.

57.06 ZONING DISTRICTS ALLOWED. Permits will be granted only for tracts of land located in residential and agricultural districts as identified on the current Official Zoning Map on file with the City of Granger.

57.07 NON-COMMERCIAL USE ONLY. A permit shall not allow the permittee to engage in chicken breeding or fertilizer production for commercial purposes.

57.08 ENCLOSURES.

1. Chickens must be kept in an enclosure or fenced area at all times, and shall be secured within a henhouse or chicken tractor during non-daylight hours;
2. Enclosures must be kept in a clean, dry, odor-free, neat, and sanitary condition at all times;
3. Henhouses, chicken tractors, and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds, and predators (including cats and dogs);

4. Henhouses and chicken tractors:
 - A. Henhouses and chicken tractors shall be enclosed on all sides and shall have a roof and door. Access doors must be able to be shut and fastened at night.
 - B. The materials used in making a henhouse or chicken tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or opening are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar products is prohibited. Henhouse and chicken tractors shall be well maintained and upkept.
 - C. Any enclosed chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.
5. Henhouses, chicken tractors, and chicken pens shall only be located in the rear yard required by Granger City Code unless the setback requirements cannot be met, in which case they may be kept in a side yard but within the required setbacks. No henhouse, chicken tractor, or chicken pen shall be allowed in any front yard.
6. Henhouses, chicken tractors, and chicken pens must be located on the permittee's property and at least twenty-five (25) feet from any adjacent residential dwelling, church, school, or place of business.
7. Henhouses, chicken tractors, and chicken pens must conform to existing Granger City Code pertaining to structures in the applicable zoned district.

57.09 ODOR AND NOISE IMPACTS.

1. Odors from chickens, chicken manure, or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land.
2. 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.

57.10 PREDATORS, RODENTS, INSECTS, AND PARASITES. The permittee shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and/or parasites that may result in unhealthy conditions to human habitation may be removed by a person designated by the Granger

City Council with the assistance of the Granger Police Department, if necessary.

57.11 FEED AND WATER. Chickens shall be provided with access to feed and clean water at all times. The feed and water shall not be available to rodents, wild birds, or predators.

57.12 WASTE STORAGE AND REMOVAL. 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.

57.13 CHICKENS AT LARGE.

1. The permittee shall not allow the permittee's chickens to roam off the permitted tract of land. No dog or cat or other domesticated animal which kills a chicken off the permitted tract of land will, for that reason alone, be considered a dangerous, aggressive, or vicious animal under the City's responsibility to enforce its animal control provisions.
2. The City shall have the authority to seize, impound, and dispose of any chicken found at large within the City limits. Such seizure, impoundment, and disposal shall not require notice to any owner or keeper, nor any attempt to locate the owner thereof.

57.14 UNLAWFUL ACTS.

1. It shall be unlawful for any person to keep chickens in violation of any provision of this chapter or any other provision of the Granger City Code;
2. It shall be unlawful for any owner, renter, or lease holder of property to allow chickens to be kept on the property in violation of the provisions of this article;
3. No person shall keep chickens inside a single family dwelling unit, multi-family dwelling unit(s) or rental unit;
4. No person shall slaughter any chickens within the City of Granger;
5. No person shall keep a rooster. The City shall have the authority to seize, impound, and dispose of any rooster found within the City limits. Such seizure, impoundment, and disposal shall not require notice to any owner or keeper, nor any attempt to locate the owner thereof.
6. No person shall keep chickens on a vacant or uninhabited tract of land.

57.15 NUISANCES. Any violation of the terms of this chapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provision of the Granger City Code.

(Ch. 57 – Ord. 391 – Aug. 20 Supp.)

[The next page is 285]

CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

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

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

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the “Granger Traffic Code.”

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

(Code of Iowa, Sec. 321.1)

1. “Business District” means the territory contiguous to and including a highway or street when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.
2. “Park or Parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
3. “Peace Officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. “Residence District” means the territory contiguous to and including a highway or street not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway or street for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.
5. “School District” means the territory contiguous to and including a highway or street for a distance of two hundred (200) feet in either direction from a school house.
6. “Stand or Standing” means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
7. “Stop” means when required, the complete cessation of movement.

8. "Stop or Stopping" means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.
9. "Suburban District" means all other parts of the City not included in the business, school or residence districts.
10. "Traffic Control Device" means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.
11. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

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

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

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

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

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

(Code of Iowa, Sec. 321.273 & 321.274)

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

(Ord. 143 – Apr. 99 Supp.)

(Code of Iowa, Sec. 321.492)

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

(Code of Iowa, Sec. 321.229)

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CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Installation
61.02 Crosswalks
61.03 Traffic Lanes

61.04 Standards
61.05 Compliance

61.01 INSTALLATION. The Police Chief shall cause to be placed and maintained traffic control devices when and as required under the Traffic Code of the City to make effective its provisions; 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 Code of the City or under State law, or to guide or warn traffic. The Police Chief shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.254 & 321.255)

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

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

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

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

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

(Code of Iowa, Sec. 321.255)

61.05 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer.

(Code of Iowa, Sec. 321.256)

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CHAPTER 62

GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations
62.02 Play Streets Designated
62.03 Vehicles on Sidewalks
62.04 Clinging to Vehicle
62.05 Quiet Zones
62.06 Funeral Processions
62.07 Tampering with Vehicle

62.08 Eluding or Attempting to Elude Pursuing Law
Enforcement Vehicle
62.09 Obstructing View at Intersections
62.10 Reckless Driving
62.11 Open Containers in Motor Vehicles
62.12 Careless Driving
62.13 Engine Compression Braking
62.14 Golf Cart Operation on City Streets

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

1. Section 321.20B — Proof of security against liability.
2. Section 321.32 — Registration card, carried and exhibited; exception.
3. Section 321.37 — Display of plates.
4. Section 321.38 — Plates, method of attaching, imitations prohibited.
5. Section 321.79 — Intent to injure.
6. Section 321.91 — Penalty for abandonment.
7. Section 321.98 — Operation without registration.
8. Section 321.99 — Fraudulent use of registration.
9. Section 321.174 — Operators licensed.
10. Section 321.174A — Operation of motor vehicles with expired license.
11. Section 321.180 — Instruction permits.
12. Section 321.180B — Graduated driver's licenses for persons aged fourteen through seventeen.
13. Section 321.193 — Restricted licenses.
14. Section 321.194 — Special minor's licenses.
15. Section 321.216 — Unlawful use of license and nonoperator's identification card.
16. Section 321.216B — Use of driver's license or nonoperator's identification card by underage person to obtain alcohol.

17. Section 321.216C — Use of driver's license or nonoperator's identification card by underage person to obtain cigarettes or tobacco products.
18. Section 321.219 — Permitting unauthorized minor to drive.
19. Section 321.220 — Permitting unauthorized person to drive.
20. Section 321.221 — Employing unlicensed chauffeur.
21. Section 321.222 — Renting motor vehicle to another.
22. Section 321.223 — License inspected.
23. Section 321.224 — Record kept.
24. Section 321.232 — Radar jamming devices; penalty.
25. Section 321.234A — All-terrain vehicles.
26. Section 321.235A — Electric personal assistive mobility devices.
27. Section 321.247 — Golf cart operation on City streets.
28. Section 321.259 — Unauthorized signs, signals or markings.
29. Section 321.262 — Damage to vehicle.
30. Section 321.263 — Information and aid.
31. Section 321.264 — Striking unattended vehicle.
32. Section 321.265 — Striking fixtures upon a highway.
33. Section 321.275 — Operation of motorcycles and motorized bicycles.
34. Section 321.276 — Use of electronic communication device while driving; text-messaging.
35. Section 321.278 — Drag racing prohibited.
36. Section 321.281 — Actions against bicyclists.
37. Section 321.288 — Control of vehicle; reduced speed.
38. Section 321.295 — Limitation on bridge or elevated structures.
39. Section 321.297 — Driving on right-hand side of roadways; exceptions.
40. Section 321.298 — Meeting and turning to right.
41. Section 321.299 — Overtaking a vehicle.
42. Section 321.302 — Overtaking and otherwise.
43. Section 321.303 — Limitations on overtaking on the left.
44. Section 321.304 — Prohibited passing.
45. Section 321.307 — Following too closely.
46. Section 321.308 — Motor trucks and towed vehicles; distance requirements.

47. Section 321.309 — Towing; convoys; drawbars.
48. Section 321.310 — Towing four-wheel trailers.
49. Section 321.312 — Turning on curve or crest of grade.
50. Section 321.313 — Starting parked vehicle.
51. Section 321.314 — When signal required.
52. Section 321.315 — Signal continuous.
53. Section 321.316 — Stopping.
54. Section 321.317 — Signals by hand and arm or signal device.
55. Section 321.319 — Entering intersections from different highways.
56. Section 321.320 — Left turns; yielding.
57. Section 321.321 — Entering through highways.
58. Section 321.322 — Vehicles entering stop or yield intersection.
59. Section 321.323 — Moving vehicle backward on highway.
60. Section 321.323A — Approaching certain stationary vehicles.
61. Section 321.324 — Operation on approach of emergency vehicles.
62. Section 321.329 — Duty of driver — pedestrians crossing or working on highways.
63. Section 321.330 — Use of crosswalks.
64. Section 321.332 — White canes restricted to blind persons.
65. Section 321.333 — Duty of drivers.
66. Section 321.340 — Driving through safety zone.
67. Section 321.341 — Obedience to signal of train.
68. Section 321.342 — Stop at certain railroad crossings; posting warning.
69. Section 321.343 — Certain vehicles must stop.
70. Section 321.344 — Heavy equipment at crossing.
71. Section 321.344B — Immediate safety threat – penalty.
72. Section 321.354 — Stopping on traveled way.
73. Section 321.359 — Moving other vehicle.
74. Section 321.362 — Unattended motor vehicle.
75. Section 321.363 — Obstruction to driver's view.
76. Section 321.364 — Preventing contamination of food by hazardous material.
77. Section 321.365 — Coasting prohibited.

- 78. Section 321.367 — Following fire apparatus.
- 79. Section 321.368 — Crossing fire hose.
- 80. Section 321.369 — Putting debris on highway.
- 81. Section 321.370 — Removing injurious material.
- 82. Section 321.371 — Clearing up wrecks.
- 83. Section 321.372 — School buses.
- 84. Section 321.381 — Movement of unsafe or improperly equipped vehicles.
- 85. Section 321.381A — Operation of low-speed vehicles.
- 86. Section 321.382 — Upgrade pulls; minimum speed.
- 87. Section 321.383 — Exceptions; slow vehicles identified.
- 88. Section 321.384 — When lighted lamps required.
- 89. Section 321.385 — Head lamps on motor vehicles.
- 90. Section 321.386 — Head lamps on motorcycles and motorized bicycles.
- 91. Section 321.387 — Rear lamps.
- 92. Section 321.388 — Illuminating plates.
- 93. Section 321.389 — Reflector requirement.
- 94. Section 321.390 — Reflector requirements.
- 95. Section 321.392 — Clearance and identification lights.
- 96. Section 321.393 — Color and mounting.
- 97. Section 321.394 — Lamp or flag on projecting load.
- 98. Section 321.395 — Lamps on parked vehicles.
- 99. Section 321.398 — Lamps on other vehicles and equipment.
- 100. Section 321.402 — Spot lamps.
- 101. Section 321.403 — Auxiliary driving lamps.
- 102. Section 321.404 — Signal lamps and signal devices.
- 103. Section 321.404A — Light-restricting devices prohibited.
- 104. Section 321.405 — Self-illumination.
- 105. Section 321.408 — Back-up lamps.
- 106. Section 321.409 — Mandatory lighting equipment.
- 107. Section 321.415 — Required usage of lighting devices.
- 108. Section 321.417 — Single-beam road-lighting equipment.

- 109. Section 321.418 — Alternate road-lighting equipment.
- 110. Section 321.419 — Number of driving lamps required or permitted.
- 111. Section 321.420 — Number of lamps lighted.
- 112. Section 321.421 — Special restrictions on lamps.
- 113. Section 321.422 — Red light in front.
- 114. Section 321.423 — Flashing lights.
- 115. Section 321.430 — Brake, hitch and control requirements.
- 116. Section 321.431 — Performance ability.
- 117. Section 321.432 — Horns and warning devices.
- 118. Section 321.433 — Sirens, whistles, and bells prohibited.
- 119. Section 321.434 — Bicycle sirens or whistles.
- 120. Section 321.436 — Mufflers, prevention of noise.
- 121. Section 321.437 — Mirrors.
- 122. Section 321.438 — Windshields and windows.
- 123. Section 321.439 — Windshield wipers.
- 124. Section 321.440 — Restrictions as to tire equipment.
- 125. Section 321.441 — Metal tires prohibited.
- 126. Section 321.442 — Projections on wheels.
- 127. Section 321.444 — Safety glass.
- 128. Section 321.445 — Safety belts and safety harnesses; use required.
- 129. Section 321.446 — Child restraint devices.
- 130. Section 321.449 — Motor carrier safety regulations.[†]
- 131. Section 321.450 — Hazardous materials transportation.
- 132. Section 321.454 — Width of vehicles.
- 133. Section 321.455 — Projecting loads on passenger vehicles.
- 134. Section 321.456 — Height of vehicles; permits.
- 135. Section 321.457 — Maximum length.
- 136. Section 321.458 — Loading beyond front.
- 137. Section 321.460 — Spilling loads on highways.
- 138. Section 321.461 — Trailers and towed vehicles.
- 139. Section 321.462 — Drawbars and safety chains.

[†] **EDITOR'S NOTE:** *Code of Iowa* Section 321.449B was added as Subsection 143 in December 2018.

140. Section 321.463 — Maximum gross weight.

141. Section 321.465 — Weighing vehicles and removal of excess.

142. Section 321.466 — Increased loading capacity - reregistration.

(Ord. 287 – Dec. 10 Supp.)

143. 321.449B – Texting or using a mobile telephone while operating a commercial motor vehicle.

(Ord. 372 – Dec. 18 Supp.)

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

(Code of Iowa, Sec. 321.255)

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

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

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

62.06 FUNERAL PROCESSIONS. Upon the immediate approach of a funeral procession, the driver of every other vehicle, except an authorized emergency vehicle, shall yield the right-of-way. An operator of a motor vehicle which is part of a funeral procession shall not be charged with violating traffic rules and regulations relating to traffic signals and devices while participating in the procession unless the operation is reckless.

(Code of Iowa, Sec. 321.324A)

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

62.08 ELUDING OR ATTEMPTING TO ELUDE PURSUING LAW ENFORCEMENT VEHICLE. No driver of a motor vehicle shall willfully fail to

bring the motor vehicle to a stop or otherwise elude or attempt to elude a marked official law enforcement vehicle driven by a uniformed peace officer after being given a visual or audible signal to stop and in doing so exceed the speed limit by twenty-five (25) miles per hour or more. The signal given by the peace officer shall be by flashing red light or siren.

(Code of Iowa, Sec. 321.279)

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

62.10 RECKLESS DRIVING. No person shall drive any vehicle in such manner as to indicate a willful or a wanton disregard for the safety of persons or property.

(Code of Iowa, Sec. 321.277)

62.11 OPEN CONTAINERS IN MOTOR VEHICLES.

1. Drivers. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage.

(Code of Iowa, Sec. 321.284)

2. Passengers. A passenger in a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar or other receptacle containing an alcoholic beverage.

(Code of Iowa, Sec. 321.284A)

As used in this section “passenger area” means the area of a motor vehicle designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk.

(Ord. 150 – Jul-00 Supp.)

62.12 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.

(Ord. 133 - May 98 Supp.)

62.13 ENGINE COMPRESSION BRAKING.

1. Prohibition. No driver of any vehicle within the City shall use or operate or cause to be used or operated any mechanical device designed to aid in braking or deceleration of his or her vehicle which results in the creation of an excessive, loud, unusual or explosive noise, known as an engine compression brake.
2. Exceptions. The provisions of this section shall not apply to the application of unmuffled or effectively muffled engine compression brakes where necessary for the protection of persons and property, which can not be avoided by the application of an alternative braking system. Noise caused by the application of engine compression brakes created by emergency vehicles for emergency purposes shall also be exempt.
3. Fine. The scheduled fine for a violation of this section shall be fifty dollars (\$50.00).

(Ord. 238 – Jan. 07 Supp.)

62.14 GOLF CART OPERATION ON CITY STREETS. Golf carts may be operated on City streets by person possessing a valid driver's license. However, a golf cart shall not be operated upon a City street which is a primary road extension through the City but shall be allowed to cross a City street which is a primary road extension through the City. Golf carts operated on City streets shall:

1. Be equipped with a slow moving vehicle sign.
2. Be equipped with a bicycle safety flag.
3. Operate on the streets only from sunrise to sunset.
4. Be equipped with adequate brakes.

The operator of a golf cart on City streets shall comply with all applicable traffic regulations of the City and the State of Iowa.

(Ord. 264 – Dec. 08 Supp.)

CHAPTER 63

SPEED REGULATIONS

63.01 General
63.02 Business District
63.03 Residence or School District
63.04 Suburban District
63.05 Parks, Cemeteries and Parking Lots
63.06 Minimum Speed
63.07 Emergency Vehicles

63.08 Special Speed Restrictions
63.09 Special 55 MPH Speed Zones
63.10 Special 25 MPH Speed Zones
63.11 Special 20 MPH Speed Zones
63.12 Special 15 MPH Speed Zones
63.13 Speed Limits in Alleys

63.01 GENERAL. Every driver of a motor vehicle on a highway, street or alley shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway, street or alley and of any other conditions then existing, and no person shall drive a vehicle on any highway, street or alley at a speed greater than will permit said person to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said highway, street or alley will observe the law. (*Ord. 128 - May 98 Supp.*)
(*Code of Iowa, Sec. 321.285*)

63.02 BUSINESS DISTRICT. A speed in excess of twenty (20) miles per hour in the business district, unless specifically designated otherwise in this chapter, is unlawful.
(*Code of Iowa, Sec. 321.285 [1]*)

63.03 RESIDENCE OR SCHOOL DISTRICT. A speed in excess of twenty-five (25) miles per hour in any school or residence district, unless specifically designated otherwise in this chapter, is unlawful.
(*Code of Iowa, Sec. 321.285 [2]*)

63.04 SUBURBAN DISTRICT. A speed in excess of forty-five (45) miles per hour in any suburban district, unless specifically designated otherwise in this chapter, is unlawful.
(*Code of Iowa, Sec. 321.285 [4]*)

63.05 PARKS, CEMETERIES AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this chapter, is unlawful.
(*Code of Iowa, Sec. 321.236[5]*)

63.06 MINIMUM SPEED. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of

traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

(Code of Iowa, Sec. 321.294)

63.07 EMERGENCY VEHICLES. The speed limitations set forth in this chapter do not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound audible signal by bell, siren or whistle. This provision does not relieve such driver from the duty to drive with due regard for the safety of others.

(Code of Iowa, Sec. 321.231)

63.08 SPECIAL SPEED RESTRICTIONS. In accordance with requirements of the Iowa State Department of Transportation, or whenever the Council shall determine upon the basis of an engineering and traffic investigation that any speed limit herein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the City street system (except primary roads or primary road extensions), the Council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe at such location.

(Code of Iowa, Sec. 321.290)

63.09 SPECIAL 55 MPH SPEED ZONES. A speed in excess of fifty-five (55) miles per hour is unlawful on any of the following designated streets or parts thereof:

1. On Highway No. 141 within the corporate boundaries.

63.10 SPECIAL 25 MPH SPEED ZONES. A speed in excess of twenty-five (25) miles per hour is unlawful on any of the following designated streets or parts thereof:

1. On Broadway Street between Rose Street and Highway 17;
2. On State Street between Highway 141 and Highway 17.

(Ord. 172 – Oct-03 Supp.)

63.11 SPECIAL 20 MPH SPEED ZONES. A speed in excess of twenty (20) miles per hour is unlawful on any of the following designated streets or parts thereof:

1. On Oak Street between State Street and Broadway Street;
2. On Burr Oak Boulevard between Broadway Street and the south terminus of Burr Oak Boulevard.

(Ord. 172 – Oct-03 Supp.)

63.12 SPECIAL 15 MPH SPEED ZONES. A speed in excess of fifteen (15) miles per hour is unlawful in any of the following designated streets or parts thereof:

1. On Rose Street between State Street and Broadway Street.
(Ord. 175 – Oct-03 Supp.)

63.13 SPEED LIMITS IN ALLEYS. A speed in excess of ten (10) miles per hour in any alley is unlawful.
(Ord. 128 - May 98 Supp.)

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CHAPTER 64

TURNING REGULATIONS

64.01 Authority to Mark
64.02 U-Turns

64.03 Left Turn for Parking

64.01 AUTHORITY TO MARK. The Police Chief may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified 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 such markers, buttons or signs.

(Code of Iowa, Sec. 321.311)

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

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

— NONE —

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

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CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Through Streets - Stop
65.02 Special Stops Required
65.03 Special Yield Required
65.04 School Stops
65.04A Child Care Center Stops

65.05 Stop Before Crossing Sidewalk
65.06 Stop When Traffic Is Obstructed
65.07 Yield to Pedestrians in Crosswalks
65.08 Official Traffic Controls

65.01 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, Sec. 321.345)

1. Sycamore Street from Iowa Highway No. 141 to the north corporate line;
2. State Street from Iowa Highway No. 141 to the east corporate line.

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

(Code of Iowa, Sec. 321.345)

1. Main Street. Vehicles traveling on Main Street shall stop at Broadway Street. (Amended by Ordinance No. 106)
2. Walnut Street. Vehicles traveling on Walnut Street shall stop at Broadway Street.
3. Walnut Street. Vehicles traveling south on Walnut Street shall stop at Elm Street.
4. Walnut Street. Vehicles traveling south on Walnut Street shall stop at Court Street.
5. Locust Street. Vehicles traveling south on Locust Street shall stop at Court Street.
6. Locust Street. Vehicles traveling on Locust Street shall stop at Broadway Street.
7. Locust Street. Vehicles traveling on Locust Street shall stop at Elm Street.
8. Locust Street. Vehicles traveling on Locust Street shall stop at Linden Street.
9. Sycamore Street. Vehicles traveling south on Sycamore Street shall stop at Iowa Highway No. 141.
10. West Street. Vehicles traveling on West Street shall stop at Elm Street.
11. Maple Street. Vehicles traveling north on Maple Street shall stop at Elm Street.
12. Pine Street. Vehicles traveling north on Pine Street shall stop at Elm Street.
13. Cherry Street. Vehicles traveling south on Cherry Street shall stop at Kennedy Street.

14. Cherry Street. Vehicles traveling north on Cherry Street shall stop at Linden Street.
15. Broadway Street. Vehicles traveling on Broadway Street shall stop at Main Street. (Amended by Ordinance No. 106)
16. State Street. Vehicles traveling west on State Street shall stop at Iowa Highway No. 141.
17. Elm Street. Vehicles traveling on Elm Street shall stop at Locust Street.
18. Elm Street. Vehicles traveling on Elm Street shall stop at West Street.
19. Elm Street. Vehicles traveling west on Elm Street shall stop at Cherry Street.
20. Linden Street. Vehicles traveling on Linden Street shall stop at Locust Street.
21. Linden Street. Vehicles traveling on Linden Street shall stop at Cherry Street.
22. Sycamore Street. Vehicles traveling north and south on Sycamore Street (which otherwise is designated a through street in Section 65.01 above) shall stop at Broadway Street.
23. Main Street. Vehicles traveling south on Main Street shall stop at Court Street.
24. Court Street. Vehicles traveling east on Court Street shall stop at Main Street.
25. Oak Street. Vehicles traveling north on Oak Street shall stop at State Street.
26. Oak Street. Vehicles traveling south on Oak Street shall stop at Broadway Street.
27. Burr Oak Boulevard. Vehicles traveling north on Burr Oak Boulevard shall stop at Broadway Street.

(Subsections 25 – 27 – Ord. 169 – Apr. 01 Supp.)

28. Rose Street. Intersection of Rose Street, West Street, and Broadway Street – three corner stop. Vehicles traveling southeasterly on Rose Street shall stop at the intersection of West and Broadway Streets; vehicles traveling south on West Street shall stop at the intersection of Rose and Broadway Streets; and vehicles traveling west on Broadway Street shall stop at the intersections of Rose and West Streets.

(Ord. 175 – Oct-03 Supp.)

29. Maple Street. Vehicles traveling on Maple Street shall stop at Lowell Street.
30. Oak Street. Vehicles traveling east on Oak Street shall stop at Vista View Drive.
31. Vista View Drive. Vehicles traveling west on Vista View Drive shall stop at Oak Street.
32. Twin Eagles Drive. Vehicles traveling west on Twin Eagles Drive shall stop at Highway 17.
33. Twin Eagles Drive. Vehicles traveling east on Twin Eagles Drive shall stop at Crabapple Lane.
34. Juniper Place. Vehicles traveling north on Juniper Place shall stop at Twin Eagles Drive.
35. Willow Street. Vehicles traveling west on Willow Street shall stop at Crabapple Lane.

(Subsections 29-35 - Ord. 198 – Nov. 04 Supp.)

36. Park Avenue. Vehicles traveling east on Park Avenue shall stop at Vista View Drive. *(Ord. 220 – Nov. 04 Supp.)*
37. White Oak Lane. Vehicles traveling east on White Oak Lane shall stop at Sycamore Street. *(Ord. 231 – Dec. 05 Supp.)*
38. Hickory Street. Vehicles traveling west on Hickory Street shall stop at Juniper Place. *(Ord. 231 – Dec. 05 Supp.)*
39. Ironwood Drive. Vehicles traveling south on Ironwood Drive shall stop at Park Ridge Drive. *(Ord. 231 – Dec. 05 Supp.)*
40. Vista View Drive. Vehicles traveling north on Vista View Drive shall stop at Windcrest Drive. *(Ord. 232 – Dec. 05 Supp.)*
41. Maplewood Drive. Vehicles traveling east on Maplewood Drive shall stop at Vista View Drive. *(Ord. 232 – Dec. 05 Supp.)*
42. Aspen Drive. Vehicles traveling north on Aspen Drive shall stop at Maplewood Drive. *(Ord. 285 – Dec. 10 Supp.)*
43. Sunview Drive. Vehicles traveling south on Sunview Drive shall stop at Windcrest Drive. *(Ord. 232 – Dec. 05 Supp.)*
44. Windcrest Drive. Vehicles traveling east on Windcrest Drive shall stop at U.S. Highway 17. *(Ord. 232 – Dec. 05 Supp.)*
45. Sycamore Street. Intersection of Sycamore Street and Lowell Street – Four corner stop. *(Ord. 244 – Jan. 07 Supp.)*
46. Oak Creek Parkway. Vehicles traveling east on Oak Creek Parkway shall stop at Highway 17. *(Ord. 259 – Feb. 08 Supp.)*
47. Oak Creek Parkway. Vehicles traveling west on Oak Creek Parkway will stop at Burr Oak Boulevard. *(Ord. 296 – Dec. 12 Supp.)*
48. Crabapple Lane. Vehicles traveling south on Crabapple Lane shall stop at Park Ridge Drive.
49. Hackenberry Place. Vehicles traveling south on Hackenberry Place shall stop at Park Ridge Drive.
50. Red Cedar Lane. Vehicles traveling south on Red Cedar Lane shall stop at Park Ridge Drive. *(Ord. 352 – Dec. 16 Supp.)*
51. Eagle Ridge Drive. Vehicles traveling west on Eagle Ridge Drive shall stop at Crabapple Lane. *(Ord. 359 – Dec. 17 Supp.)*
52. Maplewood Drive. Vehicles traveling west on Maplewood Drive shall stop at Sunview Drive. *(Ord. 369 – Dec. 18 Supp.)*
53. Windcrest Drive. Vehicles traveling east and west on Windcrest Drive shall stop at Sunview Drive. *(Ord. 369 – Dec. 18 Supp.)*
54. Sunview Drive. Vehicles traveling north and south on Sunview Drive shall stop at Windcrest Drive. *(Ord. 369 – Dec. 18 Supp.)*
55. Cedar Street. Vehicles traveling south on Cedar Street shall stop at Kennedy Boulevard.

56. Linden Street. Vehicles traveling west on Linden Street shall stop at Cedar Street.

57. Mulberry Street. Vehicles traveling east and west on Mulberry Street shall stop at Cedar Street.

58. Chestnut Street. Vehicles traveling south on Chestnut Street shall stop at Mulberry Street.

(Subsections 55-58 – Ord. 382 – Aug. 20 Supp.)

59. Walnut Street. Vehicles traveling south on Walnut Street shall stop at Linden Street.

60. Lowell Street. Vehicles traveling west on Lowell Street shall stop at Locust Street.

(Subsections 59-60 – Ord. 386 – Aug. 20 Supp.)

61. Broadway Street. Vehicles traveling on Broadway Street shall stop at Walnut Street.
(Ord. 392 – Feb. 23 Supp.)

62. State Street. Vehicles traveling on State Street shall stop at Walnut Street.
(Subsection 62 – Ord. 392 – Feb. 23 Supp.)

63. Elm Street. Vehicles traveling east on Elm Street shall stop at Walnut Street.
(Ord. 396 – Feb. 23 Supp.)

64. White Oak Lane. Vehicles traveling west on White Oak Lane shall stop at Sycamore Street.
(Ord. 404 – Feb. 23 Supp.)

65. Windcrest Drive. Vehicles traveling north and south on Windcrest Drive shall stop at White Oak Lane.
(Ord. 404 – Feb. 23 Supp.)

66. Oxley Drive. Vehicles traveling south on Oxley Drive shall stop at Windcrest Drive.
(Ord. 404 – Feb. 23 Supp.)

67. State Street. Vehicles traveling east and west on State Street shall stop at Main Street.
(Ord. 407 – Feb. 23 Supp.)

65.03 SPECIAL YIELD REQUIRED. (Reserved) *(Ord. 235 – Jan. 07 Supp.)*

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

(Code of Iowa, Sec. 321.249)

1. Intersection of State Street and Walnut Street.
2. Intersection of State Street and Main Street.
3. Intersection of State Street and West Street.

65.04A CHILD CARE CENTER STOPS. At the following child care center crossing zone every driver of a vehicle approaching said zone shall bring the vehicle to a full stop at a point ten (10) feet from the approach side of the crosswalk marked by an authorized portable

stop sign and thereafter proceed in a careful and prudent manner until the vehicle shall have passed through such child care center crossing zone.

1. Intersection of Broadway and Walnut Streets.

(Ord. 307 – Dec. 13 Supp.)

65.05 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter shall proceed into the sidewalk area only when able to do so without danger to pedestrian traffic and shall yield the right-of-way to any vehicular traffic on the street into which the vehicle is entering.

(Code of Iowa, Sec. 321.353)

65.06 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

65.07 YIELD TO PEDESTRIANS IN CROSSWALKS. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to yield to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, Sec. 321.327)

65.08 OFFICIAL TRAFFIC CONTROLS. Every driver shall observe and comply with the directions provided by official traffic control signals at the following intersections:

(Code of Iowa, Sec. 321.256)

— NONE —

[The next page is 307]

CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo

66.02 Permits for Excess Size and Weight

66.03 Load Limits Upon Certain Streets

66.04 Load Limits on Bridges

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

(Code of Iowa, Sec. 321.471 & 472)

66.02 PERMITS FOR EXCESS SIZE AND WEIGHT. The Police Chief may, upon application 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)

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

(Code of Iowa, Sec. 321.473 & 475)

— NONE —

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

(Code of Iowa, Sec. 321.473)

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CHAPTER 67

PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing
67.04 Use Sidewalks

67.01 WALKING IN STREET. Pedestrians shall at all times when walking on or along a street, walk on the left side of the street.

(Code of Iowa, Sec. 321.326)

67.02 HITCHHIKING. No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.

(Code of Iowa, Sec. 321.331)

67.03 PEDESTRIAN CROSSING. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(Code of Iowa, Sec. 321.328)

67.04 USE SIDEWALKS. Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent street.

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CHAPTER 68

ONE-WAY TRAFFIC

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

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

1. Walnut Street shall be southbound only between State Street and Elm Street. *(Ord. 401 – Feb. 23 Supp.)*

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CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb
69.02 Park Adjacent to Curb - One-Way Street
69.03 Diagonal Parking
69.04 Angle Parking - Manner
69.05 Parking for Certain Purposes Illegal
69.06 Parking Prohibited
69.07 Persons with Disabilities Parking

69.08 No Parking Zones
69.09 No Parking in Day Care Unloading Zone
69.10 Snow Removal
69.11 Snow Routes
69.12 Truck, Recreational Vehicle, and Trailer Parking Limited

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

1. Main Street on the west side from State Street to Broadway Street.
2. Broadway Street on both sides from Main Street to Walnut Street.

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

(Code of Iowa, Sec. 321.361)

69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than seventy-two (72) hours or for any of the following principal purposes:

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

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

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

1. Crosswalk. On a crosswalk.
(Code of Iowa, Sec. 321.358 [5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, Sec. 321.236 [1])
3. Mailboxes. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, Sec. 321.236 [1])
4. Sidewalks. On or across a sidewalk.
(Code of Iowa, Sec. 321.358 [1])
5. Driveway. In front of a public or private driveway.
(Code of Iowa, Sec. 321.358 [2])
6. Intersection. Within, or within ten (10) feet of an intersection of any street or alley.
(Code of Iowa, Sec. 321.358 [3])
7. Fire Hydrant. Within five (5) feet of a fire hydrant.
(Code of Iowa, Sec. 321.358 [4])

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

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

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

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

10. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.

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

11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

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

12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(Code of Iowa, Sec. 321.358 [11])

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Police Chief may cause curbs to be painted with a yellow color and erect no parking or standing signs.

(Code of Iowa, Sec. 321.358 [13])

14. Theatres, 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)

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley

in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is eighteen (18) feet wide or less; provided said vehicle is parked to deliver goods or services.

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

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

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

17. Area Between Lot Line and Sidewalk. That area of the public way not covered by sidewalk and lying between the lot line and the curb line, where curbing has been installed.

69.07 PERSONS WITH DISABILITIES PARKING. The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Nonresidential Off-street Facilities. Nonresidential off-street parking facilities shall set aside persons with disabilities parking spaces in accordance with the following:

A. Municipal off-street public parking facilities or an entity providing nonresidential parking in off-street public parking facilities shall provide not less than two percent (2%) of the total parking spaces in each parking facility as persons with disabilities parking spaces, rounded to the nearest whole number of persons with disabilities parking spaces. However, such parking facilities having ten (10) or more parking spaces shall set aside at least one persons with disabilities parking space.

(Code of Iowa, Sec. 321L.5[3a])

B. An entity providing off-street nonresidential public parking facilities shall review the utilization of existing persons with disabilities parking spaces for a one-month period not less than once every twelve months. If upon review, the average occupancy rate for persons with disabilities parking spaces in a facility exceeds sixty percent (60%) during normal business hours, the entity shall provide additional persons with disabilities parking spaces as needed.

(Code of Iowa, Sec. 321L.5[3b])

C. An entity providing off-street nonresidential parking as a lessor shall provide a persons with disabilities parking space to an individual requesting to lease a parking space, if that individual possesses a persons with disabilities parking permit issued in accordance with Section 321L.2 of the Code of Iowa.

(Code of Iowa, Sec. 321L.5[3c])

D. A new nonresidential facility in which construction has been completed on or after July 1, 1991, providing parking to the general public shall provide persons with disabilities parking spaces as stipulated below:

TOTAL PARKING SPACES IN LOT	REQUIRED MINIMUM NUMBER OF PERSONS WITH DISABILITIES PARKING SPACES
10 to 25	1
26 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	†
1001 and over	‡
† Two percent (2%) of total	
‡ Twenty (20) spaces plus one for each 100 over 1000	

(Code of Iowa, Sec. 321L.5[3d])

2. Residential Buildings and Facilities. All public and private buildings and facilities, temporary and permanent, which are residences and which provide ten (10) or more tenant parking spaces, excluding extended health care facilities, shall designate at least one persons with disabilities parking space as needed for each individual dwelling unit in which a person with a disability resides. Residential buildings and facilities which provide public visitor parking of ten (10) or more spaces shall designate persons with disabilities parking spaces in the visitors' parking area in accordance with the table contained in subsection (1)(D) of this section.

(IAC, 661-18.7[321L])

3. Business District. With respect to any on-street parking areas provided by the City within the business district, not less than two percent (2%) of the total parking spaces within each business district shall be designated as persons with disabilities parking spaces.

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

4. Other Spaces. Any other person may set aside persons with disabilities parking spaces on the person's property provided each parking space is clearly and prominently designated as a persons with disabilities parking space. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

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

5. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

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

A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit;

B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the Code of Iowa;

C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.

6. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:

A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A (1) of the Code of Iowa when utilizing a wheelchair parking cone.

B. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of Section 321L.2A (1) of the Code of Iowa.

(Subsections 5 & 6 - Ord. 162 – Apr. 01 Supp.)

69.08 NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when

necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

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

1. Main Street, on the west side, from State Street to a point fifty (50) feet south of State Street.
2. Main Street, on the west side, along (a) the south fourteen (14) feet of Lot 3, Block 1; (b) the north twenty-nine (29) feet of Lot 4, Block 1; (c) the south seventeen (17) feet of Lot 4, Block 1; and (d) the north fifty-three (53) feet of Lot 5, Block 1.
3. Rose Street, on the westerly side, from Broadway Street to a point twenty (20) feet northwesterly of Broadway Street.
4. Rose Street, on the easterly side, from State Street to West Street.
5. Oak Street, on the east and south sides, north of Broadway Street.
6. Vista View Drive, on the south and east sides, east of Oak Street.
7. Birch Street, on the north side, west of Sycamore Street.
8. Lowell Street, on north side, west of Sycamore Street, and around the cul-de-sac at the west end of Lowell Street to the east side of Lot 7 in Ironwood Estates Plat 1 (1605 Lowell Street) on the south side of Lowell Street.
(Ord. 340 – Dec. 15 Supp.)
9. Maple Street, on the east and north sides, north of Lowell Street.
10. Twin Eagles Drive, on the south side, east of Highway 17.
11. Willow Street, on the south side, east of Crabapple Lane.
(Subsections 1 – 11 - Ord. 199 – Nov. 04 Supp.)
12. Park Avenue, on the south side, west of Vista View Drive.
13. Sunview Drive, on the westerly side, north of Park Avenue.
14. Crabapple Lane, on the west side.
(Subsections 12 – 14 - Ord. 220 – Nov. 04 Supp.)
15. White Oak Lane, on the northeasterly side, west of Sycamore Street.
16. Hickory Street, on the south side, east of Juniper Place.
17. Ironwood Drive, on the west side, between Hickory Street and Park Ridge Drive.
18. Park Ridge Drive, on the south side, east of Juniper Place.
(Subsections 15 – 18 - Ord. 231 – Dec. 05 Supp.)
19. Juniper Place, on the west side, from Twin Eagles Drive to Park Ridge Drive.

20. Windcrest Drive, on the north side, from Sunview Drive to U.S. Highway 17.
21. Maplewood Drive, on the north side, from Vista View Drive to Sunview Drive.
22. Aspen Court, on the east and west sides, south of Maple Drive.
23. Broadway Street, on the south side, from its intersection with Walnut Street to a point 30 feet east of said intersection.
(Subsections 19 – 23 - Ord. 232 – Dec. 05 Supp.)
24. Burr Oak Boulevard, on the east and west sides, south of Oak Creek Parkway.
(Ord. 340 – Dec. 15 Supp.)
25. Red Cedar Lane, on the west and north sides, north of Park Ridge Drive.
26. Hackenberry Place, on the east and north sides, north of Park Ridge Drive.
(Ord. 352 – Dec. 16 Supp.)
27. Eagle Ridge Drive, on the south side, east of Crabapple Lane.
(Ord. 359 – Dec. 17 Supp.)
28. Cedar Street, on the east side, north of Kennedy Boulevard.
29. Mulberry Street, on the north side, and around the cul-de-sac at the east end of Mulberry Street to the west side of Lot 11 in Ironwood Estates Plat 3 (1609 Mulberry Street) on the south side of Mulberry Street.
30. Chestnut Street, on the east side of Chestnut Street, north of Mulberry Street.
(Subsections 28-30 – Ord. 382 – Aug. 20 Supp.)
31. Sunview Drive, on the north side of the loop from Windcrest Drive to Windcrest Drive.
(Ord. 395 – Feb. 23 Supp.)
32. Windcrest Drive, on the north and easterly sides of Windcrest Drive from Sunview Drive through Lot 22 of Landing at Oxley Creek Plat 1, north of White Oak Lane.
(Ord. 404 – Feb. 23 Supp.)
33. Oxley Drive, on the west side of Oxley Drive north of Windcrest Drive.
(Ord. 404 – Feb. 23 Supp.)
34. White Oak Lane, on the north side of White Oak Lane west of Windcrest Drive.
(Ord. 404 – Feb. 23 Supp.)
35. Burr Oak Boulevard, on the east and west sides of Burr Oak Boulevard, south of Broadway Street.
(Ord. 409 – Feb. 23 Supp.)

69.09 NO PARKING IN DAY CARE UNLOADING ZONE. No person shall park a vehicle in the specifically designated no parking zone on Walnut Street, on the east side, from its intersection with State Street to a point eighty (80) feet north of State Street, except for the loading and unloading of children attending day care between the hours of six o'clock (6:00) a.m. through six o'clock (6:00) p.m., Monday through Friday.

69.10 SNOW REMOVAL. No person shall park, abandon or leave unattended any vehicle on any public street or alley during any one of the following times or periods:

1. When snow is falling on such street.
2. When snow is drifting into such street.
3. The twenty-four (24) hour period immediately following the end of any such snowfall (a 48-hour period if such snow has not been removed from such street, curb to curb).
4. The twenty-four (24) hour period immediately the following the end of any drifting of snow (a 48-hour period if such snow has not been removed from such street, curb to curb).
5. The twenty-four (24) hour period beginning one hour after a police officer or the Director of Public Works has requested that such vehicle be removed from such street so that snow currently existing thereon can be removed if such request shall have been made to the owner of the vehicle, to an employee or partner of such owner, to such owner's spouse or adult child if he or she resides with such owner, to the person last driving such vehicle or to the person in whose care the vehicle was then entrusted.

(Section 69.10 – Ord. 367 – Dec. 18 Supp.)

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

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

69.12 TRUCK, RECREATIONAL VEHICLE, AND TRAILER PARKING LIMITED. No person shall park or leave unattended a motor truck, semi-trailer, other motor vehicle with trailer attached, boat, camper, recreational vehicle, motor home, or any unattached trailer on any streets abutting property zoned R-1, R-1-A, R-2, R-3, or E-1, as defined in Chapter 165 of this Code. The provisions of this section shall not apply to pickup, light delivery or panel delivery trucks, and the provisions of this section do not apply when motor trucks, semi-trailers, or other motor vehicles with trailer attached

are actually engaged in the delivery or receiving of merchandise or cargo, or when subject vehicles are parked for direct support of services on the nearby lots. When actually receiving or delivering merchandise or cargo or supporting services such vehicle shall be stopped or parked in a manner which will not interfere with other traffic, and in no case shall such truck or trailer be parked at any time within forty (40) feet from the center of an intersection.

(Ord. 387 – Aug. 20 Supp.)

[The next page is 327]

CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation
70.02 Scheduled Violations
70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended
70.05 Presumption in Reference to Illegal Parking
70.06 Impounding Vehicles

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

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or
2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety and deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant and retain the fifth copy for the records of the City.

(Code of Iowa, Sec. 805.6, 321.485)

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

(Code of Iowa, Sec. 805.6, 805.8)

70.03 PARKING VIOLATIONS: ALTERNATE. Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of fifteen dollars (\$15.00) for all violations except snow removal (Section 69.10 of the Code of Ordinances) and snow route parking (Section 69.11 of the Code of Ordinances) violations and improper use of a persons with disabilities parking permit. If such fine is not paid within thirty (30) days, it shall be increased by five dollars (\$5.00). The simple notice of a fine for snow removal and snow route parking violations is fifty dollars (\$50.00), and the simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars (\$100.00).

(Section 70.03 – Ord. 405 – Feb. 23 Supp.)

EDITOR'S NOTE: A snow route parking violation occurs when the driver of a vehicle impedes or blocks traffic on a designated snow route. (See Section 69.11.)

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

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

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

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

1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
(Code of Iowa, Sec. 321.236[1])
2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.
(Code of Iowa, Sec. 321.236[1])
3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

4. Parked Over Seventy-two Hour Period. When any vehicle is left parked for a continuous period of seventy-two (72) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found the owner shall be given an opportunity to remove the vehicle.

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

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

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

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CHAPTER 75

BICYCLE REGULATIONS

75.01 Scope of Regulations
75.02 Traffic Code Applies
75.03 Double Riding Restricted
75.04 Two Abreast Limit
75.05 Bicycle Paths
75.06 Speed
75.07 Emerging from Alley or Driveway

75.08 Carrying Articles
75.09 Riding on Sidewalks
75.10 Towing
75.11 Improper Riding
75.12 Parking
75.13 Equipment Requirements
75.14 Special Penalty

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

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

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

(Code of Iowa, Sec. 321.234)

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

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

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

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

75.05 BICYCLE PATHS. 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.

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

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

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

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

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

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

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

75.09 RIDING ON SIDEWALKS. The following shall apply to riding bicycles on sidewalks:

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

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

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

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

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

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

75.10 TOWING. It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City.

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

75.12 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the

bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

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

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

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

(Code of Iowa, Sec. 321.397)

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

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

75.14 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of the Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

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CHAPTER 76

ALL-TERRAIN VEHICLES AND SNOWMOBILES

76.01 Purpose
76.02 Definitions
76.03 General Regulations
76.04 Operation of Snowmobiles

76.05 Operation of All-Terrain Vehicles
76.06 Negligence
76.07 Accident Reports

76.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

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

1. “All-terrain vehicle” or “ATV” means a motorized vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand two hundred (1,200) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

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

(Ord. 299 – Dec. 12 Supp.)

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

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

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

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

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

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

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

An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

(Ord. 319 – Dec. 14 Supp.)

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

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

(Ord. 254 – Feb. 08 Supp.)

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

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

(Ord. 254 – Feb. 08 Supp.)

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

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

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

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

- A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 321G.13[1h])

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

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

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

76.05 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. ATVs and off-road utility vehicles may be operated on streets only in accordance with Section 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the Council for the operation of registered ATVs or registered off-road utility vehicles. In designating such streets, the Council may authorize ATVs and off-road utility vehicles to stop at service stations or convenience stores along a designated street.

(Ord. 288 – Dec. 10 Supp.)

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

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

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

3. Railroad Right-of-way. ATVs shall not be operated on an operating railroad right-of-way. An ATV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other

provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

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

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

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

6. Direct Crossing. An all-terrain vehicle or off-road utility vehicle may make a direct crossing of a highway provided all of the following occur:

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

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

B. The all-terrain vehicle or off-road utility vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

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

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

E. The crossing is made from a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city to a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city.

(Ord. 363 – Dec. 17 Supp.)

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

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

76.07 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars (\$1,000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

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

(Ch. 76 – Ord. 215 – Nov. 04 Supp.)

[The next page is 345]

CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

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

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

1. “Abandoned vehicle” means any of the following:
 - A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two (2) or more wheels or other parts which renders the vehicle totally inoperable.
 - B. A vehicle that has remained illegally on public property for more than twenty-four (24) hours.
 - C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.
 - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.
 - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
 - F. A vehicle that has been impounded pursuant to Section 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. “Demolisher” means a person licensed under Chapter 321H of the Code of Iowa whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.

3. "Police authority" means the Iowa state patrol or any law enforcement agency of a county or city.

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

(Ord. 276 – Dec. 09 Supp.)

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

80.03 NOTICE BY MAIL. The police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. If

the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90 of the Code of Iowa, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten-day reclaiming period.

(Ord. 276 – Dec. 09 Supp.)

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

80.04 NOTIFICATION IN NEWSPAPER. If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 80.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

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

80.05 FEES FOR IMPOUNDMENT. The owner, lienholder or claimant shall pay five dollars (\$5.00) if claimed within five (5) days of impounding, plus one dollar (\$1.00) for each additional day within the reclaiming period plus towing charges if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages, shall be established by such facility.

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

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

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

80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

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

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

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

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

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

(Ch. 80 - Ord. 228 - Dec. 05 Supp.)

[The next page is 355]

CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions	90.11 Installation of Water Service Pipe
90.02 Director's Duties	90.12 Responsibility for Water Service Pipe
90.03 Mandatory Connections	90.13 Failure to Maintain
90.04 Abandoned Connections	90.14 Curb Stop
90.05 Permit	90.15 Interior Stop and Waste Cock
90.06 Fee for Permit	90.16 Inspection and Approval
90.07 Compliance with Plumbing Code	90.17 Completion by the City
90.08 Plumber Required	90.18 Shutting off Water Supply
90.09 Excavations	90.19 Operation of Curb Stop and Hydrants
90.10 Tapping Mains	90.20 Rules and Regulations
	90.21 Reduction of Billing

90.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Combined service account" means a customer service account for the provision of two or more utility services.
2. "Customer" means in addition to any person receiving water service from the City the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
3. "Director" means the Director of Public Works or any duly authorized assistant, agent or representative. *(Ord. 364 – Dec. 18 Supp.)*
4. "Water Main" means a water supply pipe provided for public or community use.
5. "Water Service Pipe" means the pipe from the water main to the building served.
6. "Water System" or "Water Works" means all public facilities for securing, collecting, storing, pumping, treating and distributing water.

90.02 DIRECTOR'S DUTIES. The Director shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Director shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Director may make temporary rules for the protection of the system until due consideration by the Council may be had. *(Ord. 364 – Dec. 18 Supp.)*

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

90.03 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

90.04 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation cock and made absolutely watertight.

90.05 PERMIT. Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued by the Clerk. Work under any permit must be completed within ninety (90) days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

90.06 FEE FOR PERMIT. Before any permit is issued the person who makes the application shall pay seven hundred and fifty dollars (\$750.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting of the work.

(Ord. 284 – Dec. 10 Supp.)

(Code of Iowa, Sec. 384.84[2a])

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of Division 4, Plumbing Rules and Regulations, of the State Building Code.

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a plumber approved by the City. The Director shall have the power to suspend the approval 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 City Council. The Director shall notify the plumber immediately by written notice of the suspension, the reasons for the suspension and the time and place of the Council meeting at which the plumber will be granted a hearing. At this

Council meeting the Director shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper.
(*Ord. 364 – Dec. 18 Supp.*)

90.09 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers and/or the provisions of Chapter 135.

90.10 TAPPING MAINS. All taps into water mains shall be made by or under the direct supervision of the Director and in accord with the following:

1. Independent Services. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the Director and unless provision is made so that each house, building or premise may be shut off independently of the other.
2. Sizes and Location of Taps. All mains six (6) inches or less in diameter shall receive no larger than a three-fourths (3/4) inch tap. 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 Director 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 Director, 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 Director in such form as the Director shall require.

(*Section 90.10 – Ord. 364 – Dec. 18 Supp.*)

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

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be standard weight type K copper, one hundred forty (140) pound test P.V.C., or approved cast iron. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.13 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property.

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

90.14 CURB STOP. There shall be installed within the public right-of-way 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 Director. 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.

(Ord. 364 – Dec. 18 Supp.)

90.15 INTERIOR STOP AND WASTE COCK. There shall be installed a shut-off valve and waste cock on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently and the pipes drained. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.16 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved in writing by the Director before they are covered, and the Director shall keep a record of such approvals. If the Director refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Director to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

(Ord. 364 – Dec. 18 Supp.)

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the Director shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit, and the plumber's bond or cash deposit shall be security for the

assessment. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

(Ord. 364 – Dec. 18 Supp.)

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

90.18 SHUTTING OFF WATER SUPPLY. After following the procedures set out in Section 92.05, the Director may shut off the supply of water to any customer because of any substantial violation of this chapter, or valid regulation under Section 90.02 that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Director has ordered the water to be turned on.

(Ord. 364 – Dec. 18 Supp.)

90.19 OPERATION OF CURB STOP AND HYDRANTS. It is unlawful for any person except the Director to turn water on at the curb stop, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever. *(Ord. 364 – Dec. 18 Supp.)*

90.20 RULES AND REGULATIONS. The Council may adopt by resolution rules and regulations in connection with the operation of the water system and its use by customers.

90.21 REDUCTION OF BILLING. No reduction in billing will be made in the event of any leakage between the water main and the building or premises served, or within the building or premises served. After the water has passed through the meter, it is the responsibility of the owner to maintain the water service pipe and all plumbing to prevent leaks.

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CHAPTER 91

WATER METERS

91.01 Purpose
91.02 Water Use Metered
91.03 Fire Sprinkler Systems- Exception
91.04 Location of Meters

91.05 Meter Setting
91.06 Meter Costs
91.07 Meter Repairs
91.08 Right of Entry
91.09 Irrigation Meters

91.01 PURPOSE. The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City and installed by the City.

(Code of Iowa, Sec. 384.84)

91.03 FIRE SPRINKLER SYSTEMS - EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Director. 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.

(Ord. 364 – Dec. 18 Supp.)

91.04 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a globe type valve on the discharge side of the meter. Meter pits may be used only upon approval of the Director and shall be of a design and construction approved by the Director.

(Ord. 364 – Dec. 18 Supp.)

91.06 METER COSTS. The full cost of any meter larger than that required for a single-family residence shall be paid to the City by the property owner or customer prior to the installation of any such meter by the City, or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City.

91.07 METER REPAIRS. Whenever a water meter owned by the City is found to be out of order the Director shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the

customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs. *(Ord. 364 – Dec. 18 Supp.)*

91.08 RIGHT OF ENTRY. The Director shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter. *(Ord. 364 – Dec. 18 Supp.)*

91.09 IRRIGATION METERS. Customers may, pursuant to the rules and regulations of this chapter, install separate water irrigation meters and remote reading devices for the purpose of measuring water used for irrigation, swimming pools, yard and garden watering, and other uses where the water so used does not enter the sanitary sewer system, and no sewer service charge shall be made for water so used.

1. Application for Irrigation Meter. An application must be filed with the City Clerk by any customer desiring to install an irrigation meter, which application will state the desired meter size. With the application, the customer will pay a fee for meter and inspection fees, which fee will equal the city's current cost for the requested size of meter plus twenty-five dollars (\$25.00) to cover the cost of installation and initial inspection costs.

(Ord. 353 – Dec. 17 Supp.)

2. Installation of Irrigation Meter. The customer is responsible for all installation and plumbing costs. The irrigation meter shall be installed parallel with the prime meter, with a valve on each side of the meter. All irrigation meters shall be installed horizontal to the floor or ground with the arrow on the meter in the same direction as the flow of water. Deduct type meters are not permitted. The actual piping may vary provided that all water is only metered once.

Any piping and fitting that is installed by the customer on City-owned right-of-way will be at the customer's risk for damage resulting from any utility digging or other work undertaken in the right-of-way, and in no event shall such piping and fitting extend more than one foot outside the curb side of the sidewalk (or standard sidewalk location).

3. Backflow Prevention. All irrigation meters are required to incorporate a backflow prevention device which meets the current standards of the Building Code (Chapter 155 of the Code of Ordinances).

Before the irrigation meter and the system may be activated, a certified tester must certify to the City in writing that the backflow prevention device is in working order and meets all applicable regulations for backflow prevention devices. The written test results shall be filed with the City Clerk, who will provide the test results to the Director.

4. Inspection. The customer is required to notify the City Clerk when the irrigation meter, backflow prevention device, and system have been installed, so that the City may inspect the installation. The exemption from the sewer service charge shall not be effective until the City has inspected the installation and determined that all requirements of the City have been met.

5. Annual Certification. On or before April 1 of each year after a customer has installed an irrigation meter, the Director will notify the customer in writing of the City's requirement that the irrigation meter and backflow prevention device be tested and certified to be in working order and compliant with all applicable regulations by a certified tester within sixty (60) days of the Director's notice.

The customer shall, at the customer's expense, arrange for the testing and provide a copy of written test and certification results to the City Clerk. In the event the customer does not provide the test and certification results by July 1 of each year, the City will disconnect water service to the customer's premises. The City will not restore service until the written test and certification results have been filed with the City and the customer has paid a \$25 re-connect fee to the City.

(Section 91.09 – Ord. 364 – Dec. 18 Supp.)

[The next page is 369]

CHAPTER 92

WATER RATES

92.01 Water Service Availability Charge
92.02 Monthly Rates For Use of Water Service
92.02A Rates for Bulk Sales
92.03 Rates Outside the City
92.04 Billing for Water Service
92.05 Service Discontinued

92.06 Lien for Nonpayment
92.07 Lien Exemption
92.08 Lien Notice
92.09 Customer Responsibilities
92.10 Customer Deposits

92.01 WATER SERVICE AVAILABILITY CHARGE. Each customer shall pay a service availability charge of \$5.20 each month in addition to any charges based upon use of water as provided in Section 92.02. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84)

(Ord. 356 – Dec. 17 Supp.)

92.02 MONTHLY RATES FOR USE OF WATER SERVICE. Effective August 1, 2020, water service shall be furnished at a rate of \$6.33 for the first 1,000 gallons used each month, and \$6.33 for each additional 1,000 gallons (or part thereof) used each month. Effective August 1, 2021, water service shall be furnished at a rate of \$6.52 for the first 1,000 gallons used each month, and \$6.52 for each additional 1,000 gallons (or part thereof) used each month. Effective August 1, 2022, water service shall be furnished at a rate of \$6.72 for the first 1,000 gallons used each month, and \$6.72 for each additional 1,000 gallons (or part thereof) used each month.

(Ord. 390 – Aug. 20 Supp.)

(Code of Iowa, Sec. 384.84)

92.02A RATES FOR BULK SALES. Effective August 1, 2020, water may be furnished by the City in bulk sales at the rate of \$7.31 per 1,000 gallons. Effective August 1, 2021, water may be furnished by the City in bulk sales at the rate of \$7.53 per 1,000 gallons. Effective August 1, 2022, water may be furnished by the City in bulk sales at the rate of \$7.76 per 1,000 gallons.

(Ord. 390 – Aug. 20 Supp.)

92.03 RATES OUTSIDE THE CITY. Water service shall be provided any customer outside the corporate limits of the City which the City has agreed to serve at the same rates provided in Sections 92.01 and 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council.

(Amended by Ordinance No. 103)

(Code of Iowa, Sec. 364.4[2] & 384.84)

92.04 BILLING FOR WATER SERVICE. Water service shall be billed as part of a combined service account, payable in accordance with the following:
(*Code of Iowa, Sec. 384.84*)

1. Meters Read. Water meters shall be read by the last day of each month.
2. Bills Issued. The Clerk shall prepare and issue bills for water service on or before the fifth (5th) day of each month.
3. Bills Payable. Bills for water service shall be due and payable at the office of the Clerk by the twentieth (20th) day of the month in which the billing is issued.
4. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of ten dollars (\$10.00) or ten percent (10%) of the amount due, whichever is greater, shall be added to each delinquent bill.

(*Ord. 291 – Dec. 10 Supp.*)

92.05 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued or disconnected in accordance with the following:
(*Code of Iowa, Sec. 384.84*)

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued or disconnected if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance or disconnection.
2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off the Clerk shall conduct an informal hearing and shall make a determination as to whether the discontinuance or disconnection is justified. The customer has the right to appeal the Clerk's decision to the Council, and if the Council finds that discontinuance or disconnection is justified, then such discontinuance or disconnection shall be made, unless payment has been received.

4. Fees. A fee of twenty-five dollars (\$25.00) shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

(Ord. 362 – Dec. 17 Supp.)

92.06 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes. A lien imposed pursuant to this section shall not be less than five dollars (\$5.00).

(Code of Iowa, Sec. 384.84)

92.07 LIEN EXEMPTION.

(Code of Iowa, Sec. 384.84)

1. Water Service Exemption. The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

2. Other Service Exemption. The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of ninety (90) days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

3. Written Notice. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. A change in tenant for a commercial rental property shall require a new

written notice to be given to the City within ten (10) business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within thirty (30) business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership.

(Ord. 305 – Dec. 13 Supp.)

4. Mobile Homes, Modular Homes, and Manufactured Homes. A lien for nonpayment of utility services described in subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

(Ord. 349 – Dec. 16 Supp.)

92.08 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

(Ord. 278 – Dec. 09 Supp.)

(Code of Iowa, Sec. 384.84)

92.09 CUSTOMER RESPONSIBILITIES. It is the responsibility of each customer to notify the Clerk prior to moving into a residential or commercial premises in order that an account can be established for that customer and water service provided to the premises. If a customer is a tenant, and that customer has not given the required notice to the Clerk before moving into a premises, it then is the responsibility of the landlord to provide that notice to the Clerk.

(Ord. 174 – Oct-03 Supp.)

92.10 CUSTOMER DEPOSITS. There shall be required from every customer not the owner of the premises served a one hundred fifty dollar (\$150.00) deposit intended to guarantee the payment of bills for service. The deposit must be paid before the customer moves into the premises and before water service is provided to the premises. In the event a tenant does not pay the required deposit, the required deposit must be promptly paid by the landlord. If a required deposit is not made, and if water service is connected to the premises, such water service shall be immediately disconnected by the City.

(Ord. 341 – Dec. 16 Supp.)

(Code of Iowa, Sec. 384.84)

CHAPTER 93

WATER CONSERVATION

93.01 Declaration of Policy on Water Shortages
93.02 Water Watch
93.03 Voluntary Water Conservation Standards
Under a Water Watch
93.04 Water Warning, Tiers I and II
93.05 Prohibited Consumption Under Tier I
93.06 Prohibited Consumption Under Tier II
93.07 Water Emergency

93.08 Prohibited Consumption Under Water Emergency;
Base Allocation
93.09 Premium Rate for Imprudent Consumption
93.10 Water Appeal Board
93.11 Appeal and Adjustment of the Base Allocation
93.12 Requests for Adjustment of Premium Rate Charges
93.13 Penalties for Violations
93.14 Municipal Infraction
93.15 Reduction in Flow Water to Any Person

93.01 DECLARATION OF POLICY ON WATER SHORTAGES. From time to time during and following drought conditions, or due to equipment failure, the City's water supply may become significantly and seriously depleted so that there will not then be a sufficient supply of water to meet the customary and usual demands. Under these conditions, the Council may find, and declare by resolution, a public Water Watch, Water Warning or Water Emergency, during which time the following measures and provisions shall be in effect to produce an orderly and equitable reduction of water consumption until, by resolution, the Council finds and declares the water shortage condition to be ended.

93.02 WATER WATCH. A Water Watch may be declared by the Council when a water shortage or equipment failure poses a potential threat to the ability of the water system to meet the needs of its customers currently or in the foreseeable future. Indicators of the need to impose a Water Watch include:

1. System operating at seventy-five percent (75%) of pumping capacity;
2. Moderate decrease in the pumping water level of wells or moderate decrease in recovery rate of water level in wells.

93.03 VOLUNTARY WATER CONSERVATION STANDARDS UNDER A WATER WATCH. Under a Water Watch, all customers of the municipal water system are encouraged to limit or curtail all nonessential uses of water in order to conserve precious water resources during the time of shortage. Customers may be encouraged to comply with the following voluntary standards:

1. No watering of lawns.
2. No watering of shrubs or gardens between the hours of 8:00 a.m. and 8:00 p.m.

3. No water should be used to fill private swimming pools, children's wading pools, reflecting pools or any other outdoor pools or ponds.
4. No water should be used to wash cars.
5. No water should be used to wash streets, parking lots, driveways, sidewalks or building exteriors.
6. No water should be used for nonessential cleaning of commercial and industrial equipment, machinery and interior spaces.
7. Water should be served at restaurants only upon the request of the customer.

93.04 WATER WARNING, TIERS I AND II. A Tier I or Tier II Water Warning may be declared by the Council when a water shortage or equipment failure poses a serious threat to the ability of the water system to meet the needs of its customers currently and in the foreseeable future.

1. Indicators of the need to impose a Tier I Water Warning include:
 - A. System operating at eighty-five percent (85%) of pumping capacity;
 - B. Significant decrease in the pumping water level of wells or significant decrease in recovery rate of water level in wells.
2. Indicators of the need to impose a Tier II Water Warning include severe system emergencies such as a chemical spill or major system failure in feeder mains or treatment plant.

93.05 PROHIBITED CONSUMPTION UNDER TIER I. Under a Tier I Water Warning, no person shall use potable processed water of the water system in any manner contrary to the following:

1. Outdoor watering or irrigation of lawns is prohibited.
2. Outdoor watering of any kind is prohibited between the hours of eight o'clock (8:00) a.m. and eight o'clock (8:00) p.m. daily.
3. Watering or irrigation of flower and vegetable gardens, trees and shrubs less than four (4) years old and new seedlings or sod is permitted once per week with an application not to exceed one (1) inch.
4. Car washing is prohibited except in commercial establishments that provide that service.
5. No water shall be used to fill private swimming pools, children's wading pools, reflecting pools or any other outdoor pool or pond.
6. No water shall be used to wash streets, parking lots, driveways, sidewalks or building exteriors.

7. No water shall be used for nonessential cleaning of commercial and industrial equipment, machinery and interior spaces.
8. Water shall be served in restaurants only upon the request of the customer.
9. Use of water-consuming comfort air conditioning equipment which consumes in excess of five percent (5%) of the water circulating in such equipment is prohibited.
10. Tank-load water sales may be curtailed or eliminated.

Water reclaimed or recycled after some other primary use, such as water that has been used for washing or cooling, may be used without restriction. Additionally, water derived from sources other than the City water system, such as water condensed from the atmosphere by air conditioners or collected from rain or snow, may be used without restriction.

93.06 PROHIBITED CONSUMPTION UNDER TIER II. Under a Tier II Water Warning, no person shall use potable processed water of the water system in any manner contrary to the following:

1. All outside water use, except for domestic, sanitation and fire, is prohibited.
2. All commercial and industrial uses of water not essential in providing products or services is prohibited.
3. Irrigation of agricultural crops is prohibited.
4. Recreational and leisure water use, including lawn and golf course watering and other incidental or recreational uses, is prohibited.
5. Water use not necessary for the preservation of life or the general welfare of the community is prohibited.

93.07 WATER EMERGENCY. A Water Emergency may be declared by the Council when a water shortage or equipment failure poses a severe and immediate threat to the ability of the water system to meet the needs of its customers. Indicators of the need to impose a Water Emergency include:

1. System operating at ninety-five percent (95%) of pumping capacity;
2. Serious decrease in the recovery rate of water level in wells.

93.08 PROHIBITED CONSUMPTION UNDER WATER EMERGENCY; BASE ALLOCATION. Under a Water Emergency, Tier I Water Warning use restrictions will be in effect and, in addition, each customer will be afforded a monthly allocation of water. The base allocation of water for residential use

shall be 3,000 gallons per household per billing period. For commercial, industrial or institutional use, the base allocation shall be established by resolution of the Council, as a percentage of the average water used during the previous winter (November through April).

93.09 PREMIUM RATE FOR IMPRUDENT CONSUMPTION. In addition to the water rates established in Chapter 92, all customers shall pay a premium rate of \$1.00 per 100 gallons of water consumed in excess of the base allocation when a Water Emergency is in effect.

93.10 WATER APPEAL BOARD. A Water Appeal Board shall be appointed during any Water Warning or Water Emergency. The Water Appeal Board shall consist of the Mayor, the Director, and three (3) representatives of the community who shall be appointed by the Mayor with the approval of the Council. The Water Appeal Board shall hear appeals of any action taken pursuant to a Water Warning or Water Emergency, except that if a customer is charged with a municipal infraction, that proceeding shall be conducted pursuant to Section 364.22 of the *Code of Iowa*. (Ord. 364 – Dec. 18 Supp.)

93.11 APPEAL AND ADJUSTMENT OF THE BASE ALLOCATION. Any person may file an appeal with the Water Appeal Board to adjust the base allocation amount. The Water Appeal Board may grant an adjustment to the appellant based upon the following criteria:

1. For single-family residential use, the base allocation may be increased by 1,000 gallons per person per billing period for all individuals residing at the appellant's residence for a period of more than thirty (30) days.
2. For commercial, industrial or other residential uses, the base allocation may be increased based on factors appropriate to the individual customer; such as usage, production, service and occupancy data provided by the customer.

93.12 REQUESTS FOR ADJUSTMENT OF PREMIUM RATE CHARGES. Any person may file for adjustment of the premium rate charges for imprudent water consumption with the Water Appeal Board. The Water Appeal Board may grant an adjustment of the premium rate charges in accordance with the following criteria:

1. Adjustments may be granted for over-consumption due to mechanical failures such as broken or leaky pipes or fixtures but not for over-consumption due to human carelessness.

2. The applicant shall furnish proof that the mechanical failure was repaired promptly. This should be in the form of a licensed plumber's invoice or statement or a materials receipt.
3. The adjustment shall be granted only for the billing period prior to the correction of the failure.
4. For those accounts granted an adjustment of the premium rate charges, the minimum adjusted rate shall be forty percent (40%) of the actual bill which shall include the premium rate charges and sales tax.

93.13 PENALTIES FOR VIOLATIONS. The following penalties shall apply for violations of Water Warning or Water Emergency use restrictions imposed under this chapter:

1. First Violation. For a first violation, the City shall issue a written notice of violation to the water user violating the water use restrictions imposed during a Water Warning or Water Emergency.
2. Second Violation. For a second violation within a 12-month period, a one-month surcharge shall be imposed in an amount equal to fifty percent (50%) of the customer's previous month's water bill.
3. Subsequent Violations. For any subsequent violations within a 12-month period, a one-month surcharge shall be imposed in an amount equal to fifty percent (50%) of the customer's previous month's water bill, and in addition, the City shall interrupt water service to that customer at the premises at which the violation occurred. Service shall not be restored until the customer has paid the reconnection fee and has provided reasonable assurance that future violations of Water Warning or Water Emergency use restrictions will not occur.

Any customer charged with a violation of the Water Warning or Water Emergency use restrictions may request a hearing before the Water Appeal Board. The Water Appeal Board may conclude that a violation did not occur or that the circumstances under which the violation occurred warrant a complete or partial mitigation of the penalty.

93.14 MUNICIPAL INFRACTION. In addition to any penalties imposed by this chapter, a second or subsequent violation of the Water Warning or Water Emergency use restrictions, by any person within a 12-month period constitutes a municipal infraction. Any person who, in making application to the Water Appeal Board for adjustment of the base allocation or premium charges, intentionally provides false or incorrect statements or information commits a municipal infraction.

93.15 REDUCTION IN FLOW OF WATER TO ANY PERSON. The Director is authorized, after giving notice and opportunity for hearing before the Water Appeal Board, to reduce the flow of water to any person determined to be using water in any manner not in accordance with this chapter during a Water Warning or Water Emergency. *(Ord. 364 – Dec. 18 Supp.)*

(Ch. 93 – Ord. 224 – Dec. 05 Supp.)

[The next page is 381]

CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose
95.02 Definitions
95.03 Director's Duties
95.04 Prohibited Acts
95.05 Sewer Connection Required

95.06 Service Outside the City
95.07 Right of Entry
95.08 Owner's Liability Limited
95.09 Use of Easements
95.10 Special Penalties

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

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

1. "B.O.D." (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter or parts per million.

2. "Building Drain" means 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 outside the inner face of the building wall.

(IAC, 567-69.3[1])

3. "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal.

(IAC, 567-69.3[1])

4. "Combined Sewer" means a sewer receiving both surface run-off and sewage.

5. "Customer" means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.

6. "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

7. "Industrial Wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
9. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
10. "Private Sewer System" means 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.
11. "Public Sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
12. "Sanitary Sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.
13. "Sanitary Sewer" means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
14. "Semi-public Sewage Disposal System" means 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.
15. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
16. "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.
17. "Sewage Works" or "Sewage System" means all facilities for collecting, pumping, treating, and disposing of sewage.
18. "Sewer" means a pipe or conduit for carrying sewage.
19. "Sewer Rental" means any and all charges, rates, fees, or rentals levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
20. "Slug" means any discharge of water, sewage, or industrial waste 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 or flows during normal operation.

21. “Storm Drain” or “Storm Sewer” means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

22. “Director” means the Director of Public Works or any duly authorized assistant, agent, or representative. *(Ord. 364 – Dec. 18 Supp.)*

23. “Suspended Solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

24. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

95.03 DIRECTOR’S DUTIES. The Director shall exercise the following powers and duties:

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

(Section 95.03 – Ord. 364 – Dec. 18 Supp.)

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

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

(Code of Iowa, Sec. 716.1)

2. Surface Run-off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Director. *(Ord. 364 – Dec. 18 Supp.)*

4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the

jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

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

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

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

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewers chapters, such compliance to be completed within sixty (60) days after date of official notice from the City to do so provided that said public sewer is located within one hundred fifty (150) feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

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

(IAC, 567-69.3[3])

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

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

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

bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
(Ord. 364 – Dec. 18 Supp.)

95.08 OWNER’S LIABILITY LIMITED. While performing the necessary work on private property, the Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the owner or occupant and the owner or occupant shall be held harmless for injury or death to City employees and the City shall indemnify the owner or occupant against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner or occupant and growing out of any gauging and sampling operation, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.
(Ord. 364 – Dec. 18 Supp.)

95.09 USE OF EASEMENTS. The Director 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.
(Ord. 364 – Dec. 18 Supp.)

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

1. Notice of Violation. Any person found to be violating any provision of these chapters except subsections 1, 3 and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. 148 – Jul-00 Supp.)

3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

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CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit
96.02 Fee for Permit
96.03 Plumber Required
96.04 Excavations
96.05 Connection Requirements

96.06 Interceptors Required
96.07 Sewer Tap
96.08 Inspection Required
96.09 Property Owner's Responsibility
96.10 Abatement of Violations

96.01 PERMIT. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City, which shall be issued by the Clerk. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within ninety (90) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 FEE FOR PERMIT. Before any permit is issued the person who makes the application shall pay seven hundred and fifty dollars (\$750.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting of the work.
(Ord. 284 – Dec. 10 Supp.)

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a plumber approved by the City. The Director shall have the power to suspend the approval of any plumber for violation of any of the provisions of these Sanitary Sewers chapters; a suspension, unless revoked, shall continue until the next regular meeting of the Council. The Director 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 the plumber will be granted a hearing. At this Council meeting the Director shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper.
(Ord. 364 – Dec. 18 Supp.)

96.04 EXCAVATIONS. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification C-12, except that no backfill shall be placed until the work has been inspected. The excavations shall be made in accordance with the provisions of Section 135.10 where applicable.

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

1. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the owner and observed by the Director, to meet all requirements of this chapter.
2. Separate Building Sewers. A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
3. Installation. The connection of the building sewer into the public sewer shall conform to the requirements of Division 4, Plumbing Rules and Regulations, of the State Building Code, applicable rules and regulations of the City, or the procedures set forth in A.S.T.M. Specification C-12. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.
4. Water Lines. When possible, building sewers should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer.
5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches.
6. Alignment and Grade. All building sewers shall be laid to a straight line and at a uniform grade of not less than the following:

- A. Four (4) inch lines: one-fourth ($\frac{1}{4}$) inch per foot.
 - B. Six (6) inch lines: one-eighth ($\frac{1}{8}$) inch per foot.
 - C. Minimum velocity: 2.50 feet per second with the sewer half full.
 - D. Deviations: any deviation in alignment or grade shall be made only with the written approval of the Director and shall be made only with properly curved pipe and fittings.
7. Depth. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.
8. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
9. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in Division 4 of the State Building Code except that the building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following:
- A. Clay sewer pipe - A.S.T.M. C-700 (extra strength).
 - B. Extra heavy cast iron soil pipe - A.S.T.M. A-74.
 - C. Cast and ductile iron water pipe - A.S.T.M. A-377.
 - D. P.V.C. - DWV - A.S.T.M. D-2665.
10. Bearing Walls. No building sewer shall be laid parallel to, or within three (3) feet of any bearing wall, which might thereby be weakened.
11. Jointing. Fittings, type of joint, and jointing material shall be commensurate with the type of pipe used, subject to the approval of the Director.
12. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

13. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Director. 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.

(Section 96.05 – Ord. 364 – Dec. 18 Supp.)

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

1. Design and Location. All interceptors shall be of a type and capacity as provided by the Iowa Public Health Bulletin and Division 4 of the State Building Code, to be approved by the Director, and shall be located so as to be readily and easily accessible for cleaning and inspection.
2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.
3. Maintenance. All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.

(Section 96.06 – Ord. 364 – Dec. 18 Supp.)

96.07 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, a "Y" saddle shall be installed at the location specified by the Director. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public

sewer shall be glued and attached with stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Director and in accordance with the Director's direction if such connection is approved. *(Ord. 364 – Dec. 18 Supp.)*

96.08 INSPECTION REQUIRED. All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Director. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Director shall be notified and the Director shall inspect and test the work as to workmanship and material; no sewer pipe laid under ground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Director refuses to approve the work, the plumber or owner must proceed immediately to correct the work. *(Ord. 364 – Dec. 18 Supp.)*

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

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

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

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CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Storm Water
97.02 Surface Waters Exception
97.03 Prohibited Discharges
97.04 Restricted Discharges

97.05 Restricted Discharges - Powers
97.06 Special Facilities
97.07 Control Manholes
97.08 Testing of Wastes

97.01 STORM WATER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Director. Industrial cooling water or unpolluted process waters may be discharged on approval of the Director, to a storm sewer, combined sewer, or natural outlet.
(Ord. 364 – Dec. 18 Supp.)

97.02 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Director where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interests of the sewer system.
(Ord. 364 – Dec. 18 Supp.)

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

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Excessive B.O.D., Solids or Flow. Any waters or wastes having (a) a five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or (b) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (c) 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 Director. Where necessary in the opinion of the Director, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (b) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Director and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(Subsection 5 – Ord. 364 – Dec. 18 Supp.)

97.04 RESTRICTED DISCHARGES. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Director 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 Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100)

milligrams per liter or six hundred (600) milligrams per liter of dispersed or other soluble matter.

3. Viscous Substances. Water or wastes containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).

4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ($\frac{1}{2}$) inch in any dimension.

5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.

6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Director for such materials.

7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Director as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies or jurisdiction for such discharge to the receiving waters.

8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable state or federal regulations.

9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.

10. Unusual Wastes. Materials which exert or cause:

A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

B. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

C. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

D. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.

11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

12. Damaging Substances. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.

13. Untreatable Wastes. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(Section 97.04 – Ord. 364 – Dec. 18 Supp.)

97.05 RESTRICTED DISCHARGES - POWERS. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Director 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 Director may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

(Section 97.05 – Ord. 364 – Dec. 18 Supp.)

97.06 SPECIAL FACILITIES. If the Director 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 Director and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any

waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense. (*Ord. 364 – Dec. 18 Supp.*)

97.07 CONTROL MANHOLES. When required by the Director, 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 Director. 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. (*Ord. 364 – Dec. 18 Supp.*)

97.08 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods of 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, B.O.D. and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples).

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CHAPTER 98

PRIVATE AND SEMI-PUBLIC SEWER SYSTEMS

98.01 When Prohibited

98.02 When Required

98.03 Compliance with State Rules

98.04 Discharge to Natural Outlets Prohibited

98.05 Maintenance of Facilities

98.06 Additional Requirements

98.07 Private Systems Abandoned

98.08 Disposal of Waste

98.01 WHEN PROHIBITED. Except as otherwise provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

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

98.02 WHEN REQUIRED. Where a public sanitary or combined sewer is not available under the provisions of Section 95.05, the building sewer shall be connected to a private or semi-public sewage system complying with the provisions of this chapter.

98.03 COMPLIANCE WITH STATE RULES. The type, capacity, location and layout of a private or semi-public sewage disposal system shall comply with all recommendations of the State Department of Natural Resources.

(IAC, 567-69.3[3])

98.04 DISCHARGE TO NATURAL OUTLETS PROHIBITED. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(IAC, 567-69.3[3])

98.05 MAINTENANCE OF FACILITIES. The owner of private and semi-public sewage disposal facilities shall operate and maintain the facilities in a sanitary manner at all times and at no expense to the City.

98.06 ADDITIONAL REQUIREMENTS. No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by any health officer acting in an official capacity.

98.07 PRIVATE SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer

in compliance with these Sanitary Sewers chapters 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[3f])

98.08 DISPOSAL OF WASTE. It is 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 Director. The rate or charge for receiving such waste shall be determined by resolution of the Council.

(Ord. 364 – Dec. 18 Supp.)

CHAPTER 99

SEWER USE CHARGE

99.01 Purpose	99.08 Surcharges
99.02 Definitions	99.09 Additional Charges
99.03 Requirements	99.10 Application
99.04 Establishment of Funds	99.11 Billings
99.05 Maintenance of Funds	99.12 Lien for Nonpayment
99.06 Basis of Use Determination	99.13 Delinquency Notice to Landlords
99.07 Sewer Rates	99.14 Charge Review
	99.15 User Notification

99.01 PURPOSE. The purpose of this chapter is to establish the procedures and regulations to be followed in the calculation, establishment and collection of charges from customers so that the City can pay for the operation and maintenance, as herein defined, of the wastewater treatment system and for the sewer bond debt retirement for financing the sewerage system improvements constructed under EPA Project No. C190728.

99.02 DEFINITIONS. Unless the context indicates otherwise, the meaning of terms used in this chapter are as follows:

1. “EPA” means the United States Environmental Protection Agency.
2. “Normal domestic wastewater” means wastewater that has a BOD concentration of not more than 300 mg/l and a suspended solids concentration of not more than 300 mg/l.
3. “Operation and maintenance” means all expenditures during the useful life of the wastewater treatment works for materials, labor, utilities and other items which are necessary for the management and maintenance of said treatment facilities to achieve the capacity and performance for which such works were designed and constructed.
4. “Replacement” means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment works to maintain the capacity and performance for which such facilities were designed and constructed. The term “operation and maintenance” includes replacement.
5. “Residential customer” means any customer whose lot, parcel of real estate or building is used for domestic dwelling purposes only.
6. “Useful life” means the estimated period during which the wastewater treatment works will be operated.

7. "User charge" means 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.

8. "Wastewater" means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present. Wastewater is also commonly known as "sanitary sewage."

9. "Wastewater Treatment Works" means the devices and systems used for the storage, treatment, recycling and reclamation of municipal wastewater, domestic wastewater or liquid industrial wastes. These include the collecting lateral, trunk, interceptor and outfall sewer systems, individual systems, pumping, power and other equipment and appurtenances, extensions, 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 used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treatment, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

10. "Water meter" means 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.

99.03 REQUIREMENTS. The user charge system shall generate adequate annual revenues to pay costs of (1) annual operation and maintenance including replacement, and (2) costs associated with the sewer bond debt retirement for financing the wastewater treatment works which the Council may, by resolution, designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance, including replacement of the treatment works, shall be established by this chapter.

99.04 ESTABLISHMENT OF FUNDS. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Section 99.07 shall be deposited in two separate non-lapsing funds, as follows:

1. A fund designated as the “Wastewater Treatment Works Operation and Maintenance Fund” for the specific purpose of defraying operation and maintenance costs, excluding replacement, of the wastewater treatment works.
2. A fund designated as the “Wastewater Treatment Works Replacement Fund” for the specific purpose of ensuring replacement needs over the useful life of the wastewater treatment works.

Deposits in these two funds shall be made at least annually from that portion of the total user charge collected and designated for operation, maintenance and replacement purposes in the total amount of \$22,000 annually. While sewer revenue bonds of the City are outstanding, the provision of the resolution authorizing the issuance of the bonds shall, in the event of conflict, prevail on the provisions of this section and Section 99.05.

99.05 MAINTENANCE OF FUNDS. Fiscal year-end balances in the wastewater treatment works operation and maintenance fund and the wastewater treatment works replacement fund shall be carried over to the same fund in the subsequent fiscal year, and shall be used for no other purposes than those designated for these funds. If moneys are transferred from other funds of the City to meet temporary shortages in the wastewater treatment works operation and maintenance fund and/or wastewater treatment works replacement fund, such transferred moneys 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 moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the moneys were borrowed.

99.06 BASIS OF USE DETERMINATION. The use of the wastewater treatment works shall be determined on the following basis:

1. Each user shall pay for the services provided by the City based on use of the wastewater treatment works as determined by water meters acceptable to the City.
2. If a commercial or industrial customer has a consumptive use of water or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that customer may be based on a wastewater meter or separate water meter installed and maintained at the expense of the customer and in a manner acceptable to the City.
3. In case of privately owned or unmetered water supplies, all or any part of which is discharged into the public sanitary sewer system of the

City, the quantity of water discharged into said sewer system shall be determined, to the satisfaction of the Council, at the expense of the owner of such private or unmetered water supplies, and the sewer user charge shall be applied to an equal quantity and characteristic of waste as though originating through use of City water, the same as if metered and billed accordingly. If the quantity of water used is estimated to be in excess of one thousand (1,000) gallons per day for any one billing period, the Council may require that such water supply be metered at the expense of the owner of the same.

99.07 SEWER RATES. Effective September 1, 2016, each customer shall pay a service availability charge of \$19.25 each month. In addition, each customer shall pay a user charge rate for operation and maintenance of \$12.00 per 1,000 gallons of water or wastewater.

(Ord. 345 – Dec. 16 Supp.)

99.08 SURCHARGES. For those customers who contribute wastewater of strength greater than normal domestic sewage, a surcharge will be collected in addition to the sewer user charge. The surcharge for operation and maintenance including replacement is:

\$0.19 per pound BOD

\$0.10 per pound SS

99.09 ADDITIONAL CHARGES. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the wastewater treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the wastewater treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the Council.

99.10 APPLICATION. The user charge rates established in this chapter apply to all users, regardless of their location, of the wastewater treatment works.

99.11 BILLINGS. All sewer user charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

99.12 LIEN FOR NONPAYMENT. Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes. A lien imposed pursuant to this section shall not be less than five dollars (\$5.00).

(Ord. 300 – Dec. 12 Supp.)

(Code of Iowa, Sec. 384.84)

99.13 DELINQUENCY NOTICE TO LANDLORDS. When sewer user charges for residential rental properties become delinquent, the Clerk shall give a delinquency notice to the landlord who has filed a written request containing the name and address of the person to be notified of the delinquency.

99.14 CHARGE REVIEW. The City shall review the user charge system at least 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 among users.

99.15 USER NOTIFICATION. The City shall notify each user at least annually, in conjunction with a regular billing, of the rate being charged for operation and maintenance including replacement and the rate being charged for sewer bond debt service for the wastewater treatment works.

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CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose	105.07 Littering Prohibited
105.02 Definitions	105.08 Open Dumping Prohibited
105.03 Sanitary Disposal Required	105.09 Toxic and Hazardous Waste
105.04 Health and Fire Hazard	105.10 Waste Storage Containers
105.05 Open Burning Restricted	105.11 Prohibited Practices
105.06 Separation of Yard Waste Required	105.12 Sanitary Disposal Project Designated

105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control is to provide for the sanitary storage, collection and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

105.02 DEFINITIONS. For use in these chapters the following terms are defined:

1. “Collector” means any person authorized to gather solid waste from public and private places.

2. “Director” means the director of the State Department of Natural Resources or any designee.

(Code of Iowa, Sec. 455B.101[2b])

3. “Discard” means to place, cause to be placed, throw, deposit or drop.

(Code of Iowa, Sec. 455B.361[2])

4. “Dwelling unit” means 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.

5. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.

(IAC, 567-100.2)

6. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

(IAC, 567-20.2[455B])

7. “Litter” means any garbage, rubbish, trash, refuse, waste materials, or debris not exceeding 10 pounds in weight or 15 cubic feet in volume. Litter includes but is not limited to empty beverage containers, cigarette butts, food waste packaging, other food or candy wrappers, handbills, empty cartons, or boxes.

(Code of Iowa, Sec. 455B.361[2])

(Ord. 350 – Dec. 16 Supp.)

8. “Owner” means in addition to the record titleholder any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

9. “Refuse” means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.

(IAC, 567-100.2)

10. “Residential premises” means a single-family dwelling and any multiple-family dwelling up to and including three (3) separate dwelling units.

11. “Residential waste” means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade waste.

(IAC, 567-20.2[455B])

12. “Rubbish” means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(IAC, 567-100.2)

13. “Sanitary disposal” means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

14. “Sanitary disposal project” means 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)

15 “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:

(Code of Iowa, Sec. 455B.301)

A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.

B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.

C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

D. Petroleum contaminated soil that has been remediated to acceptable State or federal standards.

E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

(Ord. 320 – Dec. 14 Supp.)

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner’s premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

105.04 HEALTH AND FIRE HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

105.05 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials where the products of

combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

(IAC, 567-23.2[455B] and 567-100.2)

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

(IAC, 567-23.2[3a])

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

(IAC, 567-23.2[3c])

4. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources.

(IAC, 567-23.2[3e])

5. Leaves, Branches and Other Plant Materials. Between the hours of eight o'clock (8:00) a.m. and eight o'clock (8:00) p.m. from October 1 to November 30 of each year, except for the day in October designated by the Council as Beggar's Night, persons may burn leaves, branches or other plant material grown or deposited upon their property. At all other times of the year, the open burning of such material is strictly prohibited, and such material must be gathered and disposed of at sites approved by the City, composted or placed at points specified for the picking up and disposal of such material by authorized persons acting for the City.

(Ord. 302 – Dec. 12 Supp.)

(IAC, 567-23.2[3f] and 567-20.2[455B])

6. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that written notification is postmarked or delivered to the Director at least ten (10) working days before such action commences. All asphalt roofing and materials containing asbestos shall be removed prior to the training fire.

(IAC, 567-23.2[3g])

7. Public Protection. Open burning is permitted if done in the performance of an official duty of any public health or safety officer.
8. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director.

(IAC, 567-23.2[2])

105.06 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted or burned on the premises in accordance with Section 105.05 or placed in acceptable containers and set out for collection. As used in this section, “yard waste” means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

105.07 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, Sec. 455B.363)

105.08 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

(Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)

105.09 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director. As used in this section, “toxic and hazardous waste” means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of

in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

(IAC, 567-102.14[2] and 400-27.14[2])

105.10 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. Property owners or tenants shall utilize the waste storage containers provided by the collector that has entered into a contract for the collection of solid waste pursuant to section 106.01 of this Code (unless they are utilizing their own container which meets the specifications of the collector).
2. Container Limits. On each solid waste collection day, the collector will not collect from each property more than one container, unless the owner or tenant pays a second fee as provided in section 106.08 of this Code.
3. Commercial. Every person owning, managing, operating, leasing or renting any commercial premises where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.
4. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from leaving the premises except at collection.
5. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed outdoors at some easily accessible place by the owner or occupant of the premises served.
6. Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

(Ord. 342 – Dec. 16 Supp.)

105.11 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.
2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.
3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.
4. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

105.12 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by the Boone County Landfill are hereby designated as the official “Public Sanitary Disposal Project” for the disposal of solid waste produced or originating within the City.

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CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Bulky Rubbish

106.06 Right of Entry
106.07 Collector's License
106.08 Collection Fees
106.09 Lien for Nonpayment
106.10 Special Collections

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of all solid waste except bulky rubbish as provided in Section 106.05 within the City.

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

(IAC, 567-104.9[455B])

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

106.04 FREQUENCY OF COLLECTION. All solid waste, except tires, batteries, white goods (appliances including, but not limited to, refrigerators, freezers, window unit air conditioners, central heating/air conditioning units, washers, dryers, microwave ovens and fluorescent light ballasts), paint and other hazardous materials and substances, shall be collected from residential premises at least once each week and from multi-family, commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week. Yard waste shall be collected by the City once each week between April 1 and November 30. However, yard waste contained in plastic bags or secured by wire will not be collected. Tree limbs may be bundled in 5-foot lengths, or in a paper bag or cardboard box. *(Ord. 196 – Nov. 04 Supp.)*

106.05 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.

106.06 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07 COLLECTOR'S LICENSE. No person (other than the City) shall engage in the business of collecting, transporting, processing or disposing of solid waste other than waste produced by that person within the City without first obtaining from the City an annual license in accordance with the following:

1. Application. Application for a solid waste collector's license shall be made to the Clerk and provide the following:
 - A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.
 - B. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.
 - C. Collection Program. A complete description of the frequency, routes and method of collection and transportation to be used.
 - D. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.
2. Insurance. No collector's license shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:

<u>Coverages</u>	<u>Minimum Limits of Liability</u>
Worker's Compensation	Statutory
Employer's Liability	\$5,000,000
General Liability:	
Bodily Injury	\$5,000,000 each occurrence
	\$5,000,000 aggregate
Property Damage	\$5,000,000 each occurrence
Automobile Liability:	
Bodily Injury/Property Damage	\$5,000,000

Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the City of the

expiration, cancellation or other termination of coverage not less than ten (10) days prior to the effective date of such action.

3. License Fee. A license fee in the amount of twenty-five dollars (\$25.00) shall accompany the application. In the event the requested license is not granted, the fee paid shall be refunded to the applicant.

4. License Issued. If the Council upon investigation finds the application to be in order and determines that the applicant will collect, transport, process or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the requested license shall be issued to be effective for a period of one year from the date approved.

5. License Renewal. An annual license may be renewed simply upon payment of the required fee, provided the applicant agrees to continue to operate in substantially the same manner as provided in the original application and provided the applicant furnishes the Clerk with a current listing of vehicles, equipment and facilities in use.

6. License Not Transferable. No license authorized by this chapter may be transferred to another person.

7. Owner May Transport. Nothing herein is to be construed so as to prevent the owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project.

8. Grading or Excavation Excepted. No license or permit is required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities; however, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported spills upon any public right-of-way.

(Ord. 196 – Nov. 04 Supp.)

106.08 COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Schedule of Fees. The fees for solid waste collection and disposal service, used or available, for each residential premises and for each dwelling unit of a multiple-family dwelling - \$14.95 per month.

(Ord. 339 – Dec. 15 Supp.)

2. **Payment of Bills.** All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

3. **Commercial, Industrial and Institutional Premises.** The owners of each commercial, industrial and institutional premises in the City shall individually contract with the collector for the collection of all solid waste and shall pay the collector directly for such services. The City shall not be involved in this billing for such services.

(Ord. 196 – Nov. 04 Supp.)

106.09 LIEN FOR NONPAYMENT. Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Ord. 300 – Dec. 12 Supp.)

(Code of Iowa, Sec. 384.84)

106.10 SPECIAL COLLECTIONS. Any resident may contact the collector and pay the collector directly for the collection of tires, batteries and white goods (appliances including, but not limited to, refrigerators, freezers, window unit air conditioners, central heating/air conditioning units, washers, dryers, microwave ovens and fluorescent light ballasts). Such collections are “special collections.” Items prepared for a special collection shall be placed at the curb by the resident not more than twenty-four (24) hours prior to the scheduled special collection, and any garbage cans utilized by the resident must be removed from the curb within twelve (12) hours following the scheduled special collection. Any resident who places a special collection item at the curb, but fails to contact the collector for the collection of such special collection, must within twelve (12) hours remove the special collection item from the curb, parking and front yard.

(Ord. 196 – Nov. 04 Supp.)

[The next page is 425]

CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Franchise Granted	110.09 Confidential Information
110.02 Term	110.10 Force Majeure
110.03 Franchise Fees or Taxes	110.11 Hold Harmless
110.04 Governing Rules and Regulations	110.12 Successors and Assigns
110.05 Provision for Inadequate Energy Supplies	110.13 No Third Party Beneficiaries
110.06 Construction and Maintenance of Grantee's Facilities	110.14 Severability
110.07 Extension of Grantee's Facilities	110.15 Non Waiver
110.08 Relocation of Grantee's Facilities	110.16 Effect and Interpretation of Ordinance

110.01 FRANCHISE GRANTED. The City of Granger, Iowa (hereinafter referred to as "Grantor"), hereby grants a non-exclusive franchise to Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy, a Delaware limited liability corporation (hereinafter called "Grantee"), its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over, above or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public easements as are now within the present or future limits of said Grantor, a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas and other operations connected therewith or incident thereto for all purposes to the inhabitants of said Grantor and consumers in the vicinity thereof, and for the distribution of natural gas from or through said Grantor to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, poles, communication devices, conduits and all other apparatus and appliances necessary or convenient for transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business.

110.02 TERM. The rights and privileges granted hereunder shall remain in effect for a period of twenty five (25) years from the effective date of this Ordinance, provided, however, that there may be a re-evaluation prior to the end of the fifteenth (15th) year, with the opportunity for either party to request amendments. If either party requests an amendment both parties shall review and negotiate in good faith but no proposed amendment shall become effective unless agreed to in writing by both parties. If neither party requests such re-evaluation by means of a written notice given to the other party at least sixty (60) days prior to the end of year fifteen (15), then this franchise shall continue without change for its remaining term.[†]

110.03 FRANCHISE FEES OR TAXES. Grantor may, during the term of this franchise, in its discretion, in compliance with and as authorized by state law, after public hearing and upon a majority vote of a majority of the members of the Grantor's City Council then present, pass an ordinance imposing a franchise fee on Grantee's customers located within Grantor's corporate limits; provided, however, that the franchise fee shall not be effective, and Grantee shall not be obligated to collect and pay same, unless and until: (1) it is satisfactory to Grantee

[†] **EDITOR'S NOTE:** Ordinance No. 355, adopting a natural gas franchise for the City, was passed and adopted on February 8, 2017.

with respect to its compatibility with Grantee's billing system; (2) the form of assessment and collection of the franchise fee is based on either: (a) a percentage of Grantee's gross receipts of regulated sales or transportation revenues collected from Grantee's customers within Grantor's corporate limits; (b) a volumetric fee based upon Grantee's delivery of energy within Grantor's corporate limits; or (c) a flat fee collected on a nondiscriminatory basis from each of Grantee's customers within Grantor's corporate limits; and (3) Grantor has imposed a franchise fee on all other parties supplying energy within Grantor's corporate limits, calculated in the same manner as the franchise fee imposed on Grantee's customers.

110.04 GOVERNING RULES AND REGULATIONS. The franchise granted hereunder is subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by state or federal law. The rates to be charged by Grantee for service within the present or future corporate limits of Grantor and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee, shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. Provided however, should any judicial, regulatory or legislative body having proper jurisdiction take any action that precludes Grantee from recovering from its customers any cost associated with services provided hereunder, then Grantee and Grantor shall renegotiate the terms of this Ordinance in accordance with the action taken. In determining the rights and duties of the Grantee, the terms of this Ordinance shall take precedence over any conflicting terms or requirements contained in any other ordinance enacted by the Grantor.

110.05 PROVISION FOR INADEQUATE ENERGY SUPPLIES. If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Grantee, then the Grantee shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service or supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

110.06 CONSTRUCTION AND MAINTENANCE OF GRANTEE'S FACILITIES. Any pavements, sidewalks or curbing taken up and any and all excavations made shall be done in such a manner as to cause only such inconvenience to the inhabitants of Grantor and the general public as is reasonably necessary, and repairs and replacements shall be made promptly by Grantee, leaving such properties in as good as condition as existed immediately prior to excavation, or as may be required by City Ordinance or by the Standard Specifications for Public Improvements and Construction in Public Right-of-Way approved by the City on December 11, 2002, and as may, from time to time, be amended. The Grantee agrees for and on behalf of itself, its lessees, successors and assigns that it shall at all times be subject to all rights, powers, and authority now or hereafter possessed by the Grantor to regulate the manner in which the Grantee shall use the streets, alleys, avenues and public places of the City of Granger, when not inconsistent with the authority and rights granted the Grantee in this franchise and the rules and regulations of the Iowa Utilities Board or its successor.

Grantee agrees that for the term of this franchise, it will use its best efforts to maintain its facilities and equipment in a condition sufficient to meet the current and future energy requirements of Grantor, its inhabitants and industries. While maintaining its facilities and

equipment, Grantee shall obtain permits as required by ordinance and will fix its excavations within a commercially reasonable time period, except that in emergency situations Grantee shall take such immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible. Within a reasonable time thereafter, Grantee shall request and Grantor shall issue any permits or authorizations required by Grantor for the actions conducted by Grantee during the emergency situation.

Grantor will give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent involved that affects Grantee's facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements, and the time when the Grantor will start the work, and, if more than one right-of-way is involved, the order in which the work is to proceed. The notice shall be given to the Grantee as soon as practical in advance of the actual commencement of the work, considering seasonable working conditions, to permit the Grantee to make any additions, alterations, or repairs to its facilities.

110.07 EXTENSION OF GRANTEE'S FACILITIES. Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria as approved by the Iowa Utilities Board make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor.

110.08 RELOCATION OF GRANTEE'S FACILITIES. If Grantor elects to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, unless otherwise reimbursed by federal, state or local legislative act or governmental agency, Grantee, upon reasonable notice from Grantor, shall remove and relocate its facilities or equipment situated in the public right-of-way, at the cost and expense of Grantee, if such removal is necessary to prevent interference with Grantor's facilities.

If Grantor orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference with such project, then Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment.

Grantor shall consider reasonable alternatives in designing its public works projects and exercising its authority under this section so as not to arbitrarily cause Grantee unreasonable additional expense. If alternative public right-of-way space is available, Grantor shall also provide a reasonable alternative location for Grantee's facilities. Grantor shall give Grantee written notice of an order or request to vacate a public right-of-way; provided, however, that its receipt of such notice shall not deprive Grantee of its right to operate and maintain its existing facilities in such public right-of way until it (a) if applicable, receives the reasonable cost of relocating the same and (b) obtains a reasonable public right-of-way, dedicated utility easement, or private easement alternative location for such facilities.

110.09 CONFIDENTIAL INFORMATION. Grantor acknowledges that certain information it might request from Grantee pursuant to this Ordinance may be of a proprietary and confidential nature, and that such requests may be subject to the Homeland Security Act or other confidentiality protections under state or federal law. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to its proprietary or commercial value, Grantor and its employees, agents and representatives shall maintain the confidentiality of such information, to the extent allowed by law. If Grantor is requested or

required by legal or administrative process to disclose any such proprietary or confidential information, Grantor shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief.

110.10 FORCE MAJEURE. It shall not be a breach or default under this Ordinance if either party fails to perform its obligations hereunder due to force majeure. Force majeure shall include, but not be limited to, the following: 1) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; 2) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; 3) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and (4) any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid force majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance of its obligations hereunder; provided, however, that this provision shall not obligate a party to settle any labor strike.

110.11 HOLD HARMLESS. Grantee, during the term of this Ordinance, agrees to save harmless Grantor from and against all claims, demands, losses and expenses arising directly out of the negligence of Grantee, its employees or agents, in constructing, operating, and maintaining its distribution and transmission facilities or equipment; provided, however, that Grantee need not save Grantor harmless from claims, demands, losses and expenses arising out of the negligence of Grantor, its employees or agents.

110.12 SUCCESSORS AND ASSIGNS. All rights, privileges and authority granted to Grantee hereunder shall inure to the benefit of Grantee's lessees, successors and assigns, subject to the terms, provisions and conditions herein contained, and all obligations imposed upon Grantee hereunder shall be binding upon Grantee's lessees, successors and assigns.

110.13 NO THIRD PARTY BENEFICIARIES. This Ordinance constitutes a franchise agreement between the Grantor and Grantee. No provision of this Ordinance shall inure to the benefit of any third person, including the public at large, so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action for any person not a party hereto.

110.14 SEVERABILITY. If any clause, sentence or section of this Ordinance is deemed invalid by any judicial, regulatory or legislative body having proper jurisdiction, the remaining provisions shall not be affected.

110.15 NON WAIVER. Any waiver of any obligation or default under this Ordinance shall not be construed as a waiver of any future defaults, whether of like or different character.

110.16 EFFECT AND INTERPRETATION OF ORDINANCE. The captions that precede each section of this Ordinance are for convenience and/or reference only and shall not be taken into consideration in the interpretation of any of the provisions of this Ordinance.

(Ch. 110 - Ord. 355 – Dec. 17 Supp.)

CHAPTER 111

ELECTRIC FRANCHISE

111.01 Franchise Granted
111.02 Regulatory Power of City
111.03 Placement of Poles
111.04 Relocation of Equipment
111.05 Excavations

111.06 Indemnification
111.07 Construction and Operation Standards
111.08 Use of Company's Distribution Poles
111.09 Quality of Service

111.01 FRANCHISE GRANTED. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called the "Company," and its successors and assigns, the right, franchise and privilege to acquire, construct, erect, maintain and operate in the City of Granger, Iowa, hereinafter called the "City," a system for the transmission and distribution of electric energy along, under, over and upon the streets, avenues, alleys and public places to serve customers within and without the City, and to furnish and sell electric energy to the City and its inhabitants. This franchise shall be effective for a twenty-five (25) year period from and after the effective date of the ordinance codified in this chapter, provided, however, that there may be a re-evaluation prior to the end of the fifteenth (15th) year, with the opportunity for both parties to request amendments. If neither party requests such re-evaluation by means of a written notice given to the other party at least 60 days prior to the end of year 15, then this franchise shall continue without change for the remaining 10 years.

111.02 REGULATORY POWER OF THE CITY. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa, 1999, or as subsequently amended or changed. This franchise shall not be exclusive. The Company agrees for and on behalf of itself, its lessees, successors and assigns that it shall at all times be subject to all rights, power and authority now or hereafter possessed by the City to regulate the manner in which the Company shall use the streets, alleys, avenues and public places of Granger, when not inconsistent with the authority and rights granted Company in this chapter and the rules and regulations of the Iowa Utilities Board.

111.03 PLACEMENT OF POLES. 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 in and through the City, but all said conduits and poles shall be placed as not to interfere with the construction of any water pipes, drain or sewer, or the flow of water therefrom, which have been or may hereafter be

located by authority of the City. The Company is authorized and empowered to cut and trim at its expense, any trees extending into any street, alley, or public ground so as to prevent limbs or branches from interfering with the wires and facilities of the Company.

111.04 RELOCATION OF EQUIPMENT. The Company shall, at its cost and expense, locate and relocate its installations in, on, over or under any public street or alley in the City in such manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City has a reasonable alternative route for the street, alley or public improvements which alternative route would not cause the relocation of the Company installations, the City shall give consideration to selecting such alternative route. If relocation of the Company facilities could be avoided by relocating other franchisee's or facility user's equipment and facilities, and said other franchisee's or user's cost of relocation is less than the Company's, the City shall give consideration to selecting such alternative route.

111.05 EXCAVATIONS. In making excavations in any streets, avenues, alleys and public places for the excavation of conduits or the erection of poles and wires or other appliances, the Company shall not unreasonably obstruct the use of the streets, and shall replace the surface, restoring the original condition as nearly as practicable, or as may be required by City ordinance.

111.06 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, caused or occasioned in whole or in part, by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the electric facilities authorized by this chapter; provided, however, the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the negligence of the City, its officers, employees or agents.

111.07 CONSTRUCTION AND OPERATION STANDARDS. The Company shall construct, operate and maintain its facilities in accordance with the applicable regulations of the Iowa Utilities Board or its successors.

111.08 USE OF COMPANY'S DISTRIBUTION POLES. The Company shall not permit any other utility, entity or person to construct or install any communications or telecommunications equipment or devices (not including wires, lines, cables and the equipment associated therewith) on the Company's distribution poles, without that entity's receiving prior approval of the City Council.

111.09 QUALITY OF SERVICE. During the term of the franchise, the Company shall furnish electric energy in the quantity and quality consistent with applicable Iowa laws and regulations.

EDITOR'S NOTE

Ordinance No. 146 adopting an electric franchise for the City was passed and adopted on September 8, 1999.

(Ord. 146 – Jul-00 Supp.)

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CHAPTER 112

TELEPHONE FRANCHISE

112.01 Franchise Granted
112.02 Police Power
112.03 Company to Furnish Telephones
112.04 Construction of System
112.05 Excavations

112.06 Moving Buildings
112.07 Damaging System
112.08 City Use of Poles
112.09 Successors and Assigns
112.10 Indemnification

112.01 FRANCHISE GRANTED. Northwestern Bell Telephone Company, a corporation (the “Company”), its successors and assigns are hereby granted the right to use and occupy the streets, alleys and other public places of the City for a term of twenty-five (25) years from the effective date of the ordinance codified by this chapter, for the purpose of constructing, maintaining and operating a general telephone system within the City.

112.02 POLICE POWER. The rights herein granted are subject to the exercise of the police power as the same now is or may hereafter be conferred upon the City.

112.03 COMPANY TO FURNISH TELEPHONES. The Company shall furnish the City without charge three (3) telephone stations to be furnished and maintained at such place as may be designated by the Council.

EDITOR’S NOTE

Ordinance No. 29 adopting a telephone franchise for the City was passed and adopted on October 22, 1969. An election was held on November 25, 1969.

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CHAPTER 113

CABLE TELEVISION FRANCHISE AND REGULATIONS

113.01 Grant of Franchise	113.22 Performance Standards
113.02 Definitions	113.23 Channel Capacity and Performance
113.03 Use of Property	113.24 Installation and Maintenance of Subscriber Terminals in City Buildings and Schools
113.04 Taxes	113.25 Telecast of Educational Activities
113.05 Insurance	113.26 Program Alteration
113.06 Repairs	113.27 Subscriber Rates and Charges
113.07 Hold Harmless	113.28 Service Rules and Regulations
113.08 Assignment	113.29 Service Agreements
113.09 Insolvency of Grantee	113.30 Payments to City
113.10 Default of Grantee	113.31 Injury to Property of Grantee
113.11 Termination	113.32 Intercepting Signals of Grantee
113.12 Compliance with Applicable Laws	113.33 Filing of Reports
113.13 Installation and Maintenance of Property of Grantee	113.34 Filing of Maps and Plats
113.14 Interference	113.35 Filing of Communications with Regulatory Agencies
113.15 Installation of Cables	113.36 Access
113.16 Restoration of Ground Surface	113.37 Discrimination Prohibited
113.17 Alteration of Grade	113.38 Other Business Activities Prohibited
113.18 Temporary Removal of Cables	113.39 Arbitration
113.19 Tree Trimming	113.40 Reservations
113.20 Line Extensions	
113.21 Service Requirements	

113.01 GRANT OF FRANCHISE. A nonexclusive right is hereby granted to Heritage Cablevision, Inc. (hereinafter referred to as the “Grantee”), its successors and assigns, to establish, construct, operate, maintain, repair, replace, renew, reconstruct and remove a cable television system across public property in the City limits for a term of twenty-five (25) years, in accordance with the laws and regulations of the United States of America and the State of Iowa and the ordinances and regulations of the City, including the nonexclusive right, privilege and authority:

1. To sell and supply audio and video communication service to persons within the City;
2. To use public property within the City;
3. To engage in such further activities within the City as may now or hereafter be consistent with the generally accepted principles applicable to the operation of a cable television system.

113.02 DEFINITIONS. The following words and phrases, when used herein, shall, for the purposes of this chapter, have the meanings ascribed to them in this section:

1. “Cable Television System” means any facility that, in whole or in part, receives directly, or indirectly over the air, and amplifies or

otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations and distributes such signals, by wire or cable, to subscribing members of the public who pay for such services.

2. “Channel” means the segment of the electromagnetic spectrum to which a source of television transmission is assigned.
3. “FCC” means the Federal Communications Commission.
4. “Franchise” means the rights, privileges, and authority granted by the City to the Grantee hereunder and includes all of the terms and conditions of this chapter.
5. “Grantee” means Heritage Cablevision, Inc., a corporation organized and existing under the laws of the State of Iowa, its successors and assigns. When the context so requires, the term “Grantee” means and includes the Grantee, its officers, agents, employees, servants and independent contractors.
6. “Private property” means all property, real, personal or mixed, owned by a private person, including property owned by a public utility not owned or operated by the City.
7. “Property of the Grantee” means all property, real, personal or mixed, owned or used by the Grantee however arising from or related to or connected with the franchise.
8. “Public property” means all property, real or personal or mixed, owned or used by the City, including property owned or used by a public utility owned or operated by the City.

113.03 USE OF PROPERTY. The Grantee may use public property within the City and, with the written consent of the owner thereof, private property within the City, in furtherance of such activities within the City as may now or hereafter be consistent with generally accepted principles applicable to the operation of a cable television system subject, however, to the following restrictions:

1. Laws and Regulations. The Grantee shall comply with all governmental laws, ordinances, rules or regulations as may now or hereafter be applicable thereto.
2. Restrictions. The Grantee shall not use or occupy or permit public property or private property to be used or occupied or do or permit anything to be done on or about public property or private property which will, in any manner:
 - A. Impair the owner’s interest in or title thereto;

- B. Impair any mortgage or lease as may now or hereinafter be applicable thereto;
- C. Adversely affect the then value or character thereof;
- D. Cause or be likely to cause structural damage thereto, or any part thereof;
- E. Cause or be likely to cause any damage or injury to any utility service available thereto;
- F. Create a public or private nuisance, cause any offensive or obnoxious vibrations, noise, odor or undesirable effect or interfere with the safety, comfort or convenience of the owner thereof, and persons lawfully on or about the same;
- G. Violate the rules, regulations and requirements of any person furnishing utilities or services thereto; or
- H. Make void or voidable any insurance then in force affecting the same or cause an increase in the rates applicable thereto.

113.04 TAXES. The Grantee shall pay all real estate taxes, special assessments, personal property taxes, license fees, permit fees and other charges of a like nature which may be taxed, charged, assessed, levied, or imposed upon the property of the Grantee and upon any services rendered by the Grantee.

113.05 INSURANCE. The Grantee shall, at all times during the term of the franchise, carry and require their contractors to carry:

1. General Liability. Insurance in such forms and in such companies as shall be approved by the City to protect the City and Grantee from and against any and all claims, injury or damage to persons or property, both real and personal, caused by the construction, erection, operation and maintenance of any structure, equipment or appliance. The amount of such insurance shall be not less than \$100,000 as to any one person, \$300,000 as to any one occurrence for injury or death to persons, and \$100,000 for damages to property, with so-called umbrella coverage of at least \$5,000,000.
2. Worker's Compensation. Worker's Compensation Insurance as provided by the laws of the State of Iowa, as amended.
3. Automobile. Automobile Insurance with limits of not less than \$100,000/\$300,000 of public liability coverage and automobile property damage insurance with a limit of not less than \$100,000 covering all automotive equipment, with so-called umbrella coverage of at least \$5,000,000.

4. Notice of Cancellation. All of said insurance coverage shall provide a ten (10) day notice to the City in the event of material alteration or cancellation of any coverage afforded in said policies prior to the date said material alteration or cancellation shall become effective.

5. Copies Filed. Copies of all insurance policies required hereunder shall be furnished to and filed with the City prior to the commencement of operations or the expiration of prior policies, as the case may be.

6. Defense Costs. The Grantee shall pay all reasonable expenses incurred by the City in defending itself with regard to all damages, penalties or other claims resulting from the acts of the Grantee, its assigns, employees, agents, invitees, or other persons. Said expenses shall include all out-of-pocket expenses such as attorney's fees, and shall include the value of any service rendered by the City Attorney or any other officers or employees of the City.

113.06 REPAIRS. During the term of the franchise, the Grantee shall, at its own expense, make all necessary repairs and replacements to the property of the Grantee. Such repairs and replacements, interior and exterior, ordinary as well as extraordinary, and structural as well as nonstructural, shall be made promptly, as and when needed. The Grantee agrees to give written notice to the Mayor in the event repairs are not commenced within 48 hours after the breakdown.

113.07 HOLD HARMLESS. During the term of the franchise, the Grantee absolutely assumes and agrees to pay the City for, and the Grantee forever agrees to indemnify the City against, and agrees to hold and save the City harmless from, any and all damage, injury, costs, expenses, liability, claims, settlements, judgments, decrees and awards of every kind and nature whatsoever, including attorney's fees, costs and disbursements, that may ever be claimed against the City by any person whatsoever, or an account of any actual or alleged loss, damage or injury to any property or person whatsoever, however arising from or related to or connected with, directly or indirectly, (a) injury to or death of any person, or loss, damage or injury to any property of the Grantee, and/or (b) the nonobservance by the Grantee of the provisions of any laws, statutes, ordinances, resolutions, regulations or rules duly promulgated by any governmental entity which may be applicable directly or indirectly, to rights, privileges, and authority, and the obligations and liabilities, assumed by the Grantee under the franchise, (c) the nonobservance by the Grantee of any of the terms and conditions of the franchise, and/or (d) the granting of the franchise.

113.08 ASSIGNMENT. The Grantee shall not assign or transfer any right granted under this chapter to any other person without prior consent of the

Council, which consent shall not be unreasonably withheld, provided that the Grantee shall have the right to assign the provisions of this chapter to a corporation wholly owned by the Grantee or to a limited partnership of which the Grantee is a general partner without the prior consent of the City.

113.09 INSOLVENCY OF GRANTEE. In the event that the Grantee shall become insolvent, or be declared a bankrupt, or the property of the Grantee shall come into the possession of any receiver, assignee or other officer acting under an order of court, and any such receiver, assignee or other such officer shall not be discharged within sixty (60) days after taking possession of such property, the City may, at its option, terminate the franchise by giving written notice thereof to the Grantee.

113.10 DEFAULT OF GRANTEE. In the event the Grantee shall fail to comply with any of the terms and conditions of the franchise within thirty (30) days after receipt of notice in writing from the City specifying the failure or default, the City may, at its option, terminate the franchise by giving written notice thereof to the Grantee. This section shall not apply to failures or defaults beyond the reasonable control of the Grantee.

113.11 TERMINATION. Upon termination of the franchise for any cause, the Grantee shall remove the property of the Grantee from all public property and private property within the City and shall return such public property and private property to the owner thereof in the same condition as when the property of the Grantee was placed thereon, ordinary wear and tear excepted.

113.12 COMPLIANCE WITH APPLICABLE LAWS. During the term of the franchise, the Grantee shall comply with all governmental laws, ordinances, rules or regulations as may be applicable to the construction, operation, maintenance, repair, replacement, renewal, reconstruction, and removal of a cable television system, the sale and supply of audio and video communications services, the use of public property and private property and the engagement in such further activities as may now or hereafter be consistent with generally accepted principles applicable to the operation of a cable television system.

113.13 INSTALLATION AND MAINTENANCE OF PROPERTY OF THE GRANTEE. During the term of the franchise, the property of the Grantee shall be constructed, operated, maintained, repaired, replaced, renewed, reconstructed, and removed in accordance with generally accepted engineering principles so as not to endanger or interfere with the lives of persons or to interfere with improvements which the City may deem proper to make or to unnecessarily hinder or obstruct pedestrian or vehicular traffic or use of public property or private property.

113.14 INTERFERENCE. The Grantee's cable television system shall be so designed, engineered and maintained so as not to interfere with the radio and television reception of persons who are not subscribers of the Grantee.

113.15 INSTALLATION OF CABLES. The Grantee shall have the right, privilege, and authority to lease, rent or in any other manner obtain the use of wooden poles with overhead lines, conduits, trenches, ducts, lines, cables, and other equipment and facilities from any and all holders of public licenses and franchises with the City, and to use such poles, conduits, trenches, ducts, lines, and cables in the course of its business. The Grantee shall install its cable on the existing poles owned by other holders of public licenses and franchises with the City whenever possible for the installation of its cable. When installation of cable on poles is insufficient, or when holders of other public licenses or franchises have installed underground cable, then in that event, the cable used by the Grantee shall be installed underground.

113.16 RESTORATION OF GROUND SURFACE. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the Grantee shall, at its own cost and expense and in a manner approved by the City, replace and restore all paving, sidewalk, driveway, or surface of any street or alley disturbed, in as good a condition as before said work was commenced.

113.17 ALTERATION OF GRADE. In the event that during the term of the franchise, the City shall elect to alter or change the grade of any street, alley, or public way, the Grantee, upon reasonable notice by the City, shall remove, relay, and relocate its poles, wires, cables, underground conduits, manholes, and other fixtures at its own expense.

113.18 TEMPORARY REMOVAL OF CABLES. The Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its cables to permit the moving of buildings. The expense of such temporary removal, raising, or lowering of cables shall be paid by the person requesting the same and the Grantee shall have the authority to require such payment in advance. The Grantee shall be given not less than five (5) days' advance notice to arrange for such temporary cable changes.

113.19 TREE TRIMMING. The Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public places of the City so as to prevent the branches of such trees from coming in contact with the cables of the Grantee. All trimming shall be done at the expense of the Grantee.

113.20 LINE EXTENSIONS. It shall be the obligation of the Grantee to serve all residents of the City except to the extent that density of homes,

adverse terrain or other factors render providing service impracticable, technically infeasible or economically noncompensatory. For purposes of determining compliance with the provisions of this section, and to provide for a reasonable and nondiscriminatory policy governing extensions of cable service within the City, Grantee shall extend service to new subscribers at the normal installation charge and monthly rate for customers of that classification where there is an average of thirty-five (35) homes per each linear mile of new cable construction. In the event the requirements of this section are not met, extensions of service shall be required only on a basis which is reasonable and compensatory.

113.21 SERVICE REQUIREMENTS. During the term of the franchise, the Grantee shall furnish reasonable, adequate and efficient cable television service to subscriber terminals.

113.22 PERFORMANCE STANDARDS. The Grantee shall produce a picture in black and white or in color that is of high quality accompanied by proper sound on typical standard television sets in good repair. The Grantee shall also transmit signals of adequate strength to produce good pictures with good sound at all subscriber terminals throughout the City without causing cross modulation in the cables or interfering with other electrical or electronic systems.

113.23 CHANNEL CAPACITY AND PERFORMANCE. During the term of the franchise, the cable television system of the Grantee shall conform to the channel capacity and performance requirements contained in the then current regulations of the FCC.

113.24 INSTALLATION AND MAINTENANCE OF SUBSCRIBER TERMINALS IN CITY BUILDINGS AND SCHOOLS. During the franchise, the Grantee shall at its sole cost, install and maintain a subscriber terminal in such buildings owned or used by the City, and in such buildings owned or used by recognized educational authorities within the City, both public and private, as may be designated by the governing body having jurisdiction thereof. Such subscriber terminals shall be placed in such locations within such buildings as may be designated by the governing body having jurisdiction thereof. This provision is meant to apply only to those buildings accessible to Grantee's system.

113.25 TELECAST OF EDUCATIONAL ACTIVITIES. The Grantee shall not cablecast, tape, reproduce or otherwise convey to its subscribers the activities of any recognized educational authority, public or private, without the written consent of the governing body of such authority.

113.26 PROGRAM ALTERATION. Any signal received by the Grantee from a television broadcast station shall be cablecast by the Grantee in its entirety, as received, without alteration.

113.27 SUBSCRIBER RATES AND CHARGES. All rates for service shall be reasonable, compensatory and nondiscriminatory. Except as otherwise provided in the franchise, and subject to Chapter 114 of this Code of Ordinances, the Grantee shall have the right, privilege and authority to change the rates and charges.

113.28 SERVICE RULES AND REGULATIONS. The Grantee shall have the right to prescribe reasonable service rules and regulations and operating rules for the conduct of its business. Such rules and regulations shall be consistent with the terms and conditions of the franchise. The Grantee shall file such rules and regulations, and all amendments thereto, with the City.

113.29 SERVICE AGREEMENTS. The Grantee shall have the right to prescribe a reasonable form of service agreement for use between the Grantee and its subscribers. Such service agreement shall be consistent with the terms and conditions of the franchise.

113.30 PAYMENTS TO CITY. The Grantee shall pay to the City one percent (1%) of its annual "basic monthly cable television service" revenue for the service rendered to customers located within the City. All payments as required by the Grantee to the City shall be made annually and shall be due forty-five (45) days after the close of the year.

113.31 INJURY TO PROPERTY OF THE GRANTEE. No person shall wrongfully or unlawfully injure the property of the Grantee.

113.32 INTERCEPTING SIGNALS OF THE GRANTEE. No person shall wrongfully or unlawfully intercept the signals of the Grantee.

113.33 FILING OF REPORTS. On or before April 1 of each year, the Grantee shall file with the City copies of FCC Form 325 and FCC Form 326 for the preceding calendar year.

113.34 FILING OF MAPS AND PLATS. On or before April 1 of each year, the Grantee shall file with the City maps and plats showing the location and nature of all new property of the Grantee within the City as of the end of the preceding calendar year.

113.35 FILING OF COMMUNICATIONS WITH REGULATORY AGENCIES. The Grantee shall file with the City, copies of all petitions,

applications and communications submitted by the Grantee to any regulatory agency having jurisdiction over the Grantee.

113.36 ACCESS. The Grantee shall and does hereby grant to the City the right to enter upon the property of the Grantee, upon reasonable notice, at any and all reasonable times to inspect the same for purposes pertaining to the rights of the City.

113.37 DISCRIMINATION PROHIBITED. The Grantee shall not grant any undue preference or advantage to any person, nor subject any person to prejudice or disadvantage with respect to rates, charges, services, service facilities, rules, regulations, or in any other respect.

113.38 OTHER BUSINESS ACTIVITIES PROHIBITED. During the initial term of the franchise, or any extension thereof, the Grantee shall not engage in the business of selling, leasing, renting or servicing television or radio receivers, or their parts and accessories, and the Grantee shall not require or attempt to direct its subscribers to deal with any particular person or firm with respect to said activities.

113.39 ARBITRATION. Any controversy between the City and the Grantee regarding the rights, duties and liabilities of either party under the franchise shall be settled by arbitration. This section shall not apply to termination proceedings under Section 113.11. Such arbitration shall be before three (3) disinterested arbitrators, one (1) named by the City, one (1) named by the Grantee, and one (1) named by the two (2) thus chosen. The decision of the arbitrators shall be conclusive and shall be enforced in accordance with the laws of the State.

113.40 RESERVATIONS. The right is reserved to the Council to adopt, in addition to the provisions contained herein and in existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power.

EDITOR'S NOTE

Ordinance No. 75 adopting a cable television franchise for the City was passed and adopted on April 6, 1983.

CHAPTER 114

REGULATION OF CABLE TELEVISION OPERATORS AND ESTABLISHMENT OF CUSTOMER SERVICE STANDARDS

114.01 Purpose	114.08 Enforcement of Customer Service Standards
114.02 Franchising Authority	114.09 Cable Television Customer Service Standards
114.03 Administration of Rules and Regulations	114.10 Filing of Customer Service Complaints
114.04 Rate Regulation Proceedings	114.11 Cable Operator's Response to Service Complaint
114.05 Certification to FCC and Cable Operator	114.12 Failure to Cure Deficiency in Standards
114.06 Cable Programming Service Tier	114.13 Inconsistent Provisions
114.07 Delegation of Powers Permitted	

114.01 PURPOSE. The Cable Television Consumer Protection and Competition Act of 1992 [Public Law 102-385] amended the Communications Act of 1934 [as codified in 47 United States Code §§521 et. seq.] and changed the manner in which cable television systems that are not subject to effective competition are regulated. The establishment of rates for the basic service tier and associated equipment now is subject to regulation by local governments acting as franchising authorities. It is determined that cable television operators doing business in the City should be subject to regulation by the City.

114.02 FRANCHISING AUTHORITY. The Council shall act as and shall exercise the powers of the Franchising Authority.

114.03 ADMINISTRATION OF RULES AND REGULATIONS. The Franchising Authority 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 Code of Federal Regulations §§76.900 et. seq., as they currently read and hereafter may be amended, which are herewith incorporated by reference.

114.04 RATE REGULATION PROCEEDINGS. Any rate regulation proceedings conducted under Section 114.03 shall provide a reasonable opportunity for consideration of the views of any interested party, including but not limited to, the Franchising Authority 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 by this Code of Ordinances, and in order to provide for such opportunity for consideration of the views of any interested party, the Franchising Authority shall take the following actions:

1. The Franchising Authority shall publish in a newspaper of general circulation in the City, post in a conspicuous place in the City Hall, and mail, by certified mail, to the Cable Operator a public 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 Federal Communications Commission ("FCC").
2. The public 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 Rules and Regulations of the FCC; and that the decision of the Franchising Authority is subject to review by the FCC.
3. The Franchising Authority shall conduct a public proceeding to determine whether or not the rates or proposed rate increases are reasonable. The Franchising Authority may delegate by resolution the responsibility to conduct the proceeding to any duly qualified and eligible individual(s) or entity. If the Franchising Authority 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 toll 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 public notice accordingly.
4. In the course of the rate regulation proceeding, the Franchising Authority may request 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 Franchising Authority 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.
5. The Franchising Authority may request proprietary information, provided that the Franchising Authority 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.

6. The Franchising Authority may exercise all powers under the laws of the State of Iowa and by this Code of Ordinances to discover any information relevant to the rate regulation proceeding, including, but not limited to, subpoena, interrogatories, production of documents, and deposition.

7. Upon termination of the rate regulation proceeding, the Franchising Authority shall adopt by resolution 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.

8. The Franchising Authority 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. However, the Franchising Authority may impose monetary fines on a Cable Operator that does not comply with a rate decision or refund order of the Franchising Authority, directed specifically at the Cable Operator, pursuant to the laws of the State of Iowa and Section 1.10 of this Code of Ordinances. Each day a given violation continues shall be considered a separate offense.

9. Consistent with FCC Rules and Regulations, the Franchising Authority's decision may be reviewed only by the FCC.

10. The Franchising Authority 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 laws of the State of Iowa, the Communications Act of 1934, as amended, and the FCC Rules and Regulations. Any information submitted to the Franchising Authority 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.

114.05 CERTIFICATION TO FCC AND CABLE OPERATOR. The Franchising Authority filed with the FCC the required certification form (FCC Form 328) on October 7, 1993.

114.06 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 Franchising Authority is not empowered to exercise rate regulation, the Cable Operator shall give notice to the Franchising Authority 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.

114.07 DELEGATION OF POWERS PERMITTED. The Franchising Authority may delegate by resolution its powers to enforce this chapter to municipal employees or officers (the “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 proceeding 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.

114.08 ENFORCEMENT OF CUSTOMER SERVICE STANDARDS. The Franchising Authority shall enforce the customer service standards set forth in the FCC regulations promulgated in 47 Code of Federal Regulations §76.309(c), as they currently read and hereafter may be amended. The Cable Operator shall be subject to the customer service standards of this chapter ninety (90) days after the Franchising Authority has provided the Cable Operator with written notice of its intent to enforce the standards. [Effective date was February 10, 1994.]

114.09 CABLE TELEVISION CUSTOMER SERVICE STANDARDS. A Cable Operator shall be subject to the following customer service standards:

1. Cable System Office Hours and Telephone Availability.
 - A. The Cable Operator will maintain a local, toll-free or collect call telephone access line which will be available to its subscribers 24 hours a day, seven days a week.
 - (1) Trained company representatives will be available to respond to customer telephone inquiries during normal business hours.
 - (2) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained company representative on the next business day.
 - B. Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety percent (90%) of the time under normal operating conditions, measured on a quarterly basis.
 - C. The Cable Operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply.
 - D. Under normal operating conditions, the customer will receive a busy signal less than three percent (3%) of the time.
 - E. Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located.
2. Installations, Outages and Service Calls. Under normal operating conditions, each of the following four standards will be met no less than ninety-five percent (95%) of the time measured on a quarterly basis:
 - A. Standard installation will be performed within seven (7) business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the existing distribution system.
 - B. Excluding conditions beyond the control of the Cable Operator, the Cable Operator will begin working on "service interruptions" promptly and in no event later than 24 hours after

the interruption becomes known. The Cable Operator must begin actions to correct the service problems the next business day after notification of the service problem.

C. The “appointment window” alternatives for installations, service calls, and the installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours. The Cable Operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.

D. A Cable Operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

E. If a Cable Operator representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

3. Communications Between Cable Operators and Cable Subscribers.

A. The Cable Operator shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request:

- (1) Products and services offered;
- (2) Prices and options for programming services and conditions of subscription to programming and other services;
- (3) Installation and service maintenance policies;
- (4) Instructions on how to use the cable service;
- (5) Channel positions of programming carried on the system; and
- (6) Billing and complaint procedures, including the address and telephone number of the Franchising Authority’s office [City Hall].

Customers will be notified of any changes in rates, programming services or channel positions as soon as possible through announcements on the cable system and in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the Cable

Operator. In addition, the Cable Operator shall notify subscribers thirty (30) days in advance of any significant changes in the other information required by this subsection.

B. Bills will be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits. In case of a billing dispute, the Cable Operator must respond to a written complaint from a subscriber within thirty (30) days.

C. Refund checks will be issued promptly, but no later than either:

(1) The customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or

(2) The return of the equipment supplied by the Cable Operator if service is terminated.

D. Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

4. Definitions.

A. "Normal business hours" means those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some weekend hours.

B. "Normal operating conditions" means those service conditions which are within the control of the Cable Operator. Those conditions which are not within the control of the Cable Operator include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the Cable Operator include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.

C. "Service interruption" means the loss of picture or sound on one or more cable channels.

114.10 FILING OF CUSTOMER SERVICE COMPLAINTS. Any customer may file a complaint regarding service with the Franchising Authority, which will, in turn, forward the complaint to the Cable Operator. Any customer may file a service complaint directly with the Cable Operator, in which event the Cable Operator shall, within five (5) days of receipt, forward a copy of the complaint to the Franchising Authority.

114.11 CABLE OPERATOR'S RESPONSE TO SERVICE COMPLAINT. The Cable Operator shall immediately respond to any customer's service complaint, and shall, within thirty (30) days of its receipt of the complaint, cure any deficiency in the customer service standards prescribed in Section 114.09. The Cable Operator shall, within thirty (30) days of its receipt of the complaint and in writing, notify the Franchising Authority of the disposition of the complaint.

114.12 FAILURE TO CURE DEFICIENCY IN STANDARDS. Any Cable Operator which fails within thirty (30) days of receipt of a complaint to cure any deficiency in the customer service standards prescribed in Section 114.09 shall be subject to a monetary fine pursuant to Section 4.03(1) of this Code of Ordinances. Each day a given violation continues shall be considered a separate offense.

114.13 INCONSISTENT PROVISIONS. Insofar as the provisions of this chapter are inconsistent with any other provisions of the Code of Ordinances, the provisions of this chapter shall be controlling.

[The next page is 455]

CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation

120.04 Action by Council
120.05 Prohibited Sales and Acts
120.06 Amusement Devices

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of Chapter 123 of the Code of Iowa.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations and restrictions enumerated in Chapter 123 of the Code of Iowa, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit by the Clerk, it shall be forwarded to the Police Chief, who shall conduct an investigation and submit a written report as to the truth of the facts averred in the application and a recommendation to the Council as to the approval of the license or permit. It is the duty of the Fire Chief to inspect the premises to determine if they conform to the requirements of the City, and no license or permit shall be approved until or unless an approving report has been filed with the Council by such officers.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

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

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic beverage. *(Ord. 373 – Dec. 18 Supp.)*

(Code of Iowa, Sec. 123.49[1])

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. on a weekday, and between the hours of two o'clock (2:00) a.m. on Sunday and six o'clock (6:00) a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense alcoholic liquor, beer or wine between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49 [2b and 2k] & 123.150)

3. Sell alcoholic beverages to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests or to retail sales by the managing entity of a convention center, civic center, or events center. *(Ord. 373 – Dec. 18 Supp.)*

(Code of Iowa, Sec. 123.49[2c])

4. Employ a person under 18 years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold.

(Ord. 373 – Dec. 18 Supp.)

(Code of Iowa, Sec. 123.49[2f])

5. ***(Repealed by Ordinance 148, Jul-00 Supp.)***

6. In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of any alcoholic beverage to wine, beer, or any other beverage in or about the permittee's place of business.

(Ord. 373 – Dec. 18 Supp.)

(Code of Iowa, Sec. 123.49[2i])

7. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2a])

8. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2j])

9. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.

(Ord. 301 – Dec. 12 Supp.)

(Code of Iowa, Sec. 123.49 [2d])

10. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49 [2e])

11. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49 [2g])

12. Sell, give, possess or otherwise supply a machine which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Ord. 242 – Jan. 07 Supp.)

(Code of Iowa, Sec. 123.49[2l])

120.06 AMUSEMENT DEVICES. The following provisions pertain to electrical or mechanical amusement devices possessed and used in accordance with Chapter 99B of the *Code of Iowa*. (Said devices are allowed only in premises with a liquor control license or beer permit, as specifically authorized in said Chapter 99B.)

(Code of Iowa, Sec. 99B.57)

1. As used in this section, “registered electrical or mechanical amusement device” means an electrical or mechanical device required to be registered with the Iowa Department of Inspection and Appeals, as provided in Section 99B.53 of the *Code of Iowa*.
2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of a registered electrical or mechanical amusement device.
3. It is unlawful for any person owning or leasing a registered electrical or mechanical amusement device, or an employee of a person owning or leasing a registered electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.
4. It is unlawful for any person to knowingly participate in the operation of a registered electrical or mechanical amusement device with a person under the age of 21.

(Ord. 337 – Dec. 15 Supp.)

CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-service Sales Prohibited
121.09 Permit Revocation

121.01 DEFINITIONS. For use in this chapter the following terms are defined:
(*Code of Iowa, Sec. 453A.1*)

1. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.

3. “Place of business” means any place where cigarettes, tobacco products, alternative nicotine products, or vapor products are sold, stored, or kept for the purpose of sale or consumption by a retailer.

(*Ord. 361 – Dec. 17 Supp.*)

4. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.

5. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.

6. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other

chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product” includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. “Vapor product” does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
(Ord. 318 – Dec. 14 Supp.)

121.02 PERMIT REQUIRED.

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business.

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

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time. The permit shall, at all times, be publicly displayed by the retailer at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business. The proprietor or keeper of any building or place where cigarettes and other tobacco products are kept for sale, or with intent to sell, shall upon request of any agent of the Department of Revenue or any peace officer exhibit the permit. A refusal or failure to exhibit the permit is prima facie evidence that the cigarettes or other tobacco products are kept for sale or with intent to sell in violation of this section.

(Ord. 318 – Dec. 14 Supp.)

121.03 APPLICATION. A completed application on forms furnished by or on forms made available or approved by the State Department of Revenue and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant. *(Ord. 253 – Feb. 08 Supp.)*

121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:
(Code of Iowa, Sec. 453A.13 & 453A.47A)

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

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of issuance of a permit.

(Ord. 374 – Dec. 18 Supp.)

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the Code of Iowa.

(Code of Iowa, 453A.13 & 453A.47A)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.
2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty

(30) days. The retailer may select its preference in the penalty to be applied under this subsection.

3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.

4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of sixty (60) days.

5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

(Ord. 318 – Dec. 14 Supp.)

121.08 SELF-SERVICE SALES PROHIBITED. Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36(6) of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

(Ord. 318 – Dec. 14 Supp.)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the Code of Iowa, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the Code of Iowa or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Iowa Department of Public Health within thirty (30) days of the revocation or suspension.

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

(Ch. 121 - Ord. 227 – Dec. 05 Supp.)

CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose	122.11 Revocation of License
122.02 Definitions	122.12 Notice
122.03 License Required	122.13 Hearing
122.04 Application for License	122.14 Record and Determination
122.05 License Fees	122.15 Appeal
122.06 Bond Required	122.16 Effect of Revocation
122.07 License Issued	122.17 Rebates
122.08 Display of License	122.18 License Exemptions
122.09 License Not Transferable	122.19 Charitable and Nonprofit Organizations
122.10 Time Restriction	122.20 Food Truck

122.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

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

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. “Transient Merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.
4. “Food truck” means any motorized truck, van, trailer, or modified bus licensed by the State of Iowa to operate on the public roads and utilized by a licensed mobile food vendor to conduct its business operations pursuant to this chapter. Food trucks shall be subject to the

transient merchant requirements of this chapter unless otherwise indicated in Section 122.20. (Ord. 412 – Feb. 23 Supp.)

122.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address and business address if any. The application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license. An application fee of two dollars (\$2.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 LICENSE FEES. The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of ten dollars (\$10.00) per year.
2. Peddlers or Transient Merchants.
 - A. For one day \$ 50.00
 - B. For one week \$ 100.00
 - C. For up to six (6) months \$ 200.00
 - D. For one year or a major part thereof \$ 300.00

(Section 122.05 – Ord. 397 – Feb. 23 Supp.)

122.06 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa*.

122.07 LICENSE ISSUED. If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

122.08 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of

compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

122.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.10 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of eight o'clock (8:00) a.m. and six o'clock (6:00) p.m.

122.11 REVOCATION OF LICENSE. After notice and hearing, the Clerk may revoke any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order or morals.

122.12 NOTICE. The Clerk shall send a notice to the licensee at the licensee's local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the Code of Ordinances provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

122.13 HEARING. The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

122.14 RECORD AND DETERMINATION. The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

122.15 APPEAL. If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons therefor. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular

meeting. The Council may reverse, modify or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

122.16 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

122.17 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least five dollars (\$5.00) of the original fee shall be retained by the City to cover administrative costs.

122.18 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
2. Club Members. Members of local Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the Woodward-Granger Community School District or Assumption School conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.
7. Political Parties. Authorized representatives of political parties, as defined in Section 43.2 of the *Code of Iowa*.

122.19 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504A of the *Code of Iowa* desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are

sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.15 of this chapter.

122.20 FOOD TRUCK. Food trucks are regulated as transient merchants except with the following specific requirements:

1. Food trucks are allowed on private property with a transient merchant permit.
2. Food trucks engaging in intermittent sales in the public right-of-way shall also be subject to the following:
 - A. Any mobile food vending unit shall not exceed five (5) miles per hour while playing music.
 - B. Sales are restricted to pedestrians and only at such a time when the food vehicle has come to a complete stop and is legally parked. All sales must occur with the customer located on the curb side of the food truck and off the paved road surface.
 - C. No loudspeaker or other sound system which may disturb the peace in the area is permitted. Music from the food vehicle is permitted to draw attention to the sales operation, but shall not be of a magnitude to create a disturbance in the surrounding area.
 - D. A sign displaying the name of the company and telephone number shall be affixed to the vehicle and be no smaller than one (1) square foot.
3. Hours of operation for all food trucks shall be no earlier than 7:00 a.m. and no later than 9:00 p.m.

(Section 122.20 – Ord. 412 – Feb. 23 Supp.)

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CHAPTER 123

HOUSE MOVERS

123.01 House Mover Defined
123.02 Permit Required
123.03 Application
123.04 Bond Required
123.05 Insurance Required
123.06 Permit Fee

123.07 Permit Issued
123.08 Public Safety
123.09 Time Limit
123.10 Removal by City
123.11 Protect Pavement
123.12 Above Ground Wires

123.01 HOUSE MOVER DEFINED. A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies or any other specialized moving equipment.

123.02 PERMIT REQUIRED. It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved. Buildings of less than one hundred (100) square feet are exempt from the provisions of this chapter.

123.03 APPLICATION. Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, Director of Public Works, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety. *(Ord. 364 – Dec. 18 Supp.)*

123.04 BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

123.05 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury - \$100,000 per person; \$300,000 per accident.
2. Property Damage - \$50,000 per accident.

123.06 PERMIT FEE. A permit fee of five dollars (\$5.00) shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain 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 lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

123.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.09 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

123.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one (1) inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 ABOVE GROUND WIRES. The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same. The holder of the permit for moving a building shall give twenty-four (24) hours' notice to the owner of any telephone, cable television 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.

[The next page is 495]

CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Purpose
135.01A Duties of Director of Public Works
135.02 Removal of Warning Devices
135.03 Obstructing or Defacing
135.04 Placing Debris On
135.05 Playing In
135.06 Traveling on Barricaded Street or Alley
135.07 Use for Business Purposes

135.08 Washing Vehicles
135.09 Burning Prohibited
135.10 Excavations
135.11 Maintenance of Parking or Terrace
135.12 Failure to Maintain Parking or Terrace
135.13 Dumping of Snow
135.14 Driveway Culverts
135.15 Curb Cuts

135.01 PURPOSE. The purpose of the chapters of this Code of Ordinances pertaining to streets, alleys and sidewalks is to establish rules and regulations governing streets, alleys and sidewalks within the City in order to protect the public health, safety and welfare.
(Ord. 364 – Dec. 18 Supp.)

135.01A DUTIES OF DIRECTOR OF PUBLIC WORKS. The Director of Public Works shall supervise the maintenance of streets, alleys, and sidewalks, and shall enforce all regulations pertaining to streets, alleys, and sidewalks in the City in accordance with this Code of Ordinances. The Director shall make such rules, not in conflict with the provisions of this Code of Ordinances, as may be needed for the detailed maintenance of the streets, alleys, and sidewalks, subject to the approval of the Council. In the event of an emergency the Director may make temporary rules for the protection of the streets, alleys, and sidewalks until due consideration of the Council may be had.
(Ord. 364 – Dec. 18 Supp.)

135.02 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.
(Code of Iowa, Sec. 716.1)

135.03 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface, or injure any street or alley in any manner.
(Code of Iowa, Sec. 716.1)

135.04 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris, or any

other substance likely to injure any person, animal or vehicle or which, if washed into the storm sewer, could clog the storm sewer.

(Code of Iowa, Sec. 321.369)

135.05 PLAYING IN. It is unlawful for any person to coast, sled or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

135.06 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the Fire/Rescue and EMS Department.

(Ord. 377 – Aug. 20 Supp.)

135.07 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

135.08 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

135.09 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.10 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or alley unless such person first obtains a permit therefor as hereinafter provided:

1. Application. Before such permit is granted, the person shall file with the City a written application. The application shall contain the following:

- A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;

- B. A statement of the purpose, for whom and by whom the excavation is to be made;

- C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
 - D. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street
3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the Director shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.
(Ord. 364 – Dec. 18 Supp.)
4. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
- A. Bodily Injury - \$100,000.00 per person; \$300,000.00 per accident.
 - B. Property Damage - \$50,000.00 per accident.
5. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the Director, at the expense of the permit holder/property owner.
(Ord. 364 – Dec. 18 Supp.)
6. Inspection. All work shall be subject to inspection by the Director. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the Director. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.
(Ord. 364 – Dec. 18 Supp.)
7. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner.
8. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner.

The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

9. Permit Issued. Upon approval of the application and filing of insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.

135.11 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

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

135.12 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.13 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time.

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

135.14 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

135.15 CURB CUTS. No person shall construct or reconstruct a driveway which connects to any street or make any curb cut on any street without first obtaining a permit therefor from the Clerk. Before any permit is issued, the person who makes the application shall pay twenty-five dollars (\$25.00) to the Clerk to recover the costs of issuing the permit, supervising and inspection of the work. All driveway approaches shall be constructed and all curb cuts shall be made according to the specifications of the Director. All such driveway approaches and curb cuts shall be inspected and approved in writing by the Director, and the Director shall keep a record of such approvals. If the Superintendent refuses to approve the work, the contractor or property owner must proceed immediately to correct the work so that it will meet with the Director's approval.

(Ord. 364 – Dec. 18 Supp.)

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CHAPTER 136

SIDEWALK REGULATIONS

136.01 Purpose	136.10 Failure to Repair or Barricade
136.02 Definitions	136.11 Interference with Sidewalk Improvements
136.03 Removal of Accumulations of Snow and Ice	136.12 Awnings
136.04 Responsibility for Maintenance	136.13 Encroaching Steps
136.05 City May Order Repairs	136.14 Openings and Enclosures
136.06 Sidewalk Construction Ordered	136.15 Fires and Fuel on Sidewalks
136.07 Permit Required	136.16 Defacing
136.08 Sidewalk Standards	136.17 Debris on Sidewalks
136.09 Barricades and Warning Lights	136.18 Merchandise Display
	136.19 Sales Stands

136.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. “Broom finish” means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. “Established grade” means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. “One-course construction” means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. “Owner” means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, “owner” includes the lessee, if any.
5. “Portland Cement” means any type of cement except bituminous cement.
6. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
7. “Sidewalk improvements” means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.

8. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.03 REMOVAL OF ACCUMULATIONS OF SNOW AND ICE. The abutting property owner is responsible for the removal of the natural accumulations of snow and ice from the sidewalks within twenty-four (24) hours after the cessation of a snow or ice storm. If a property owner does not remove the natural accumulations of snow and ice within said 24-hour period, the Mayor, Clerk, Director of Public Works, Police Chief, or a peace officer upon receipt of a complaint from any person or upon his or her own initiative, shall notify the property owner that the natural accumulations of snow and ice must be removed within twenty-four (24) hours following such notice. In the event the accumulations of snow and ice are not removed within this additional period of time, the City may cause the snow and ice to be removed by the City with the costs thereof to be assessed against the property owner for collection in the same manner as a property tax.

The abutting property owner may be liable for damages caused by the failure of the abutting property owner to use reasonable care in the removal of the snow or ice. If damages are to be awarded under this section against the abutting property owner, the claimant has the burden of proving the amount of the damages. To authorize recovery of more than a nominal amount, facts must exist and be shown by the evidence which afford a reasonable basis for measuring the amount of the claimant’s actual damages and the amount of actual damages shall not be determined by speculation, conjecture or surmise. All legal or equitable defenses are available to the abutting property owner in an action brought pursuant to this section. The City’s general duty under this section does not include a duty to remove natural accumulations of snow or ice from the sidewalks. However, when the City is the abutting property owner, it has the specific duty of the abutting property owner set forth in this section.

(Ord. 366 – Dec. 18 Supp.)

136.04 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

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

136.05 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and

assess the costs against the abutting property for collection in the same manner as a property tax.

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

136.06 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa.

(Code of Iowa, Sec. 384.38)

136.07 PERMIT REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work.

136.08 SIDEWALK STANDARDS. Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three (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. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
5. Length, Width and Depth. Length, width and depth requirements are as follows:
 - A. Residential sidewalks shall be at least five (5) feet wide and four (4) inches thick, and each section shall be no more than six (6) feet in length. *(Ord. 370 – Dec. 18 Supp.)*
 - B. Business District sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length.
 - C. Driveway areas shall be not less than six (6) inches in thickness.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line,

unless the Council establishes a different distance due to special circumstances.

7. Grade. Curb tops shall be on level with the centerline of the street which shall be the established grade.

8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half ($\frac{1}{2}$) inch above the curb for each foot between the curb and the sidewalk.

9. Slope. All sidewalks shall slope one-quarter ($\frac{1}{4}$) inch per foot toward the curb.

10. Finish. All sidewalks shall be finished with a “broom” or “wood float” finish.

11. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable Federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board. *(Ord. 286 – Dec. 10 Supp.)*

(Code of Iowa, Sec. 216C.9)

136.09 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

136.12 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

136.13 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

136.14 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

136.15 FIRES OR FUELS ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.16 DEFACING. It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

136.17 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal or vehicle.

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

136.18 MERCHANDISE DISPLAY. It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

136.19 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate
137.02 Plan and Zoning Commission
137.03 Notice of Vacation Hearing

137.04 Findings Required
137.05 Disposal of Vacated Streets or Alleys
137.06 Disposal by Gift Limited

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street or alley or portion thereof, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

137.02 PLAN AND ZONING COMMISSION. Any proposal to vacate a street or alley shall be referred by the Council to the Plan and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

137.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.04 FINDINGS REQUIRED. No street or alley, or portion thereof, shall be vacated unless the Council finds that:

1. Public Use. The street or alley proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

(Code of Iowa, Sec. 364.15)

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, or portion thereof, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.

(Code of Iowa, Sec. 364.7)

137.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of a vacated street or alley, or portion thereof, by gift except to a governmental body for a public purpose.

(Code of Iowa, Sec. 364.7[3])

EDITOR'S NOTE	
The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets and/or alleys and remain in full force and effect.	
ORDINANCE NO.	ADOPTED
45	February 16, 1948
46	February 16, 1948
54	March 13, 1959
221	April 11, 1983
47	August 2, 1987
86	February 1, 1990
211	August 11, 2004

CHAPTER 138

STREET GRADES

138.01 Established Grades

138.02 Record Maintained

138.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.

138.02 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR'S NOTE	
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.	
ORDINANCE NO.	ADOPTED
Ch. 59	December 22, 1961

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CHAPTER 139

NAMING OF STREETS

139.01 Naming New Streets
139.02 Changing Name of Street
139.03 Recording Street Names

139.04 Official Street Name Map
139.05 Revision of Street Name Map

139.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Ordinance. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.
3. Plan and Zoning Commission. Proposed street names shall be referred to the Plan and Zoning Commission for review and recommendation.

139.02 CHANGING NAME OF STREET. The Council may, by ordinance, change the name of a street.

139.03 RECORDING STREET NAMES. Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

(Code of Iowa, Sec. 354.26)

139.04 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map which immediately follows this chapter.

139.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the 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 Clerk. No amendment to this chapter 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

Ordinance No. 87, adopted September 5, 1990, naming Rose Street, is not codified in this Code of Ordinances, but is specifically saved from repeal and remains in full force and effect.

The Official Street Name Map, City of Granger, Iowa, can be found on the page following this page.

[The next page is 525]

CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer
145.02 General Definition of Unsafe
145.03 Unsafe Building
145.04 Notice to Owner

145.05 Conduct of Hearing
145.06 Posting of Signs
145.07 Right to Demolish
145.08 Costs

145.01 ENFORCEMENT OFFICER. The Mayor is responsible for the enforcement of this chapter.

145.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. 657A.1 & 364.12[3a])

145.03 UNSAFE BUILDING. “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

145.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

145.05 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.

2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.

145.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF GRANGER, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

145.07 RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

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

145.08 COSTS. Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

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

EDITOR'S NOTE

Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX of this Code of Ordinances.

Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

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CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions

146.03 Foundation Requirements

146.02 Conversion to Real Property

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

(Code of Iowa, Sec. 435.1)

1. “Manufactured home” means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Manufactured home community” means any site, lot, field or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.
4. “Mobile home park” means any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor

or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home which is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26 & Sec. 435.35)

1. **Retailer's Stock.** Mobile homes or manufactured homes on private property as part of a retailer's or a manufacturer's stock not used as a place for human habitation.
2. **Existing Homes.** A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the Building Code at Chapter 155. For the purposes of this section, a permanent foundation may be a frost depth, pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the Building Code at Chapter 155. This section shall not, however, be construed as abrogating a recorded restrictive covenant.

(Code of Iowa, Sec. 103A.10 & 414.28)

(Ch. 146 amended by Ord. 191 – Oct-03 Supp.)

[The next page is 545]

CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Map

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

1. “Owner” means the owner of the principal building.
2. “Principal building” means the main building on any lot or subdivision thereof.

150.02 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.

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

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (2½) inches in height and of a contrasting color with their background.

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

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

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

150.03 BUILDING NUMBERING MAP. The Clerk shall be responsible for preparing and maintaining a building numbering map.

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CHAPTER 151

TREES

151.01 Definition

151.02 Planting Restrictions

151.03 Duty to Trim Trees

151.04 Trimming Trees to be Supervised

151.05 Disease Control

151.06 Inspection and Removal

151.01 DEFINITION. For use in this chapter, “parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

151.02 PLANTING RESTRICTIONS. No tree shall be planted in any parking or street except in accordance with the following:

1. Alignment. All trees 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 any parking which is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet from street intersections (property lines extended) and ten (10) feet from driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.
3. Prohibited Trees. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow or black walnut.

151.03 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring

that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2c, d & e])

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.05 DISEASE CONTROL. Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be infected with or damaged by any disease or insect or disease pests, and such trees and shrubs shall be subject to removal as follows:

1. Removal from City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, and that danger to other trees within the City is imminent, the Council shall immediately cause such condition to be corrected by treatment or removal so as to destroy or prevent as fully as possible the spread of the disease or the insect or disease pests. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.
2. Removal from Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that the danger to other trees within the City is imminent, the Council shall immediately notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt of notice, the Council may cause the nuisance to be removed and the cost assessed against the property.

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

CHAPTER 152

GRASS AND WEEDS

152.01 Purpose

152.02 Definitions

152.03 Cutting Specifications and Standards of Practice

152.04 Uniform Height Specifications

152.05 Noxious Weeds

152.06 Failure to Maintain Grass Lawns

152.07 Application for Natural Area Designation and
Waiver of Uniform Height Specifications

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

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

1. “Brush” means chopped off or broken tree branches; a dense or thick growth of small trees, shrubs, and vines; and underbrush.
2. “Curb”, “curb line” or “curbing” means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.
3. “Cut” or “mow” means to mechanically maintain the growth of grass, weeds or brush at a uniform height.
4. “Grass” means any of the various plants of the grass family that are usually used as lawns or pastures; and any grasslike plant of various families having similar uses.
5. “Owner” means a person owning private property in the City and any person occupying private property in the City.
6. “Parking” means that part of a 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.
7. “Weeds” means any undesired, uncultivated plant, especially one growing in profusion so as to crowd out a desired grass, plant or crop.

152.03 CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE.

1. Every owner shall cut, mow and maintain all grass, weeds and brush upon the owner's property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner's property.
2. Every owner shall cut, mow and maintain grass, weeds and brush adjacent to the curb line, including the parking area abutting the owner's property, in such a manner so as to be in conformity with and at an even height with all other grass, weeds or brush growing on the remainder of the owner's property.
3. The requirements of this section shall not, however, apply to native and prairie grasses growing in the right-of-way of any street or highway.

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

1. Developed Residential Areas - not to exceed eight inches (8").
2. Undeveloped Residential Areas - not to exceed ten inches (10").
3. Business and Industrial Areas - not to exceed eight inches (8").

The requirements of this section shall not, however, apply to native and prairie grasses growing in the right-of-way of any street or highway. Grass and weeds which are allowed to grow in excess of the above-specified limitations are deemed to be nuisances and to be violations of this chapter.

152.05 NOXIOUS WEEDS.

1. Every owner shall cut and control, or otherwise destroy, noxious weeds upon the owner's property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner's property, by cutting noxious weeds to ground level or by the use of herbicides to eliminate or eradicate such weeds. Failure of a property owner to cut and control noxious weeds as herein provided shall be deemed and found to be a health, safety and fire hazard, a nuisance, and to be a violation of this Chapter.
2. Noxious weeds include any weed growth or plant designated as noxious by Iowa Code §317.1A (or any successor Code section), by the State Department of Natural Resources rules and regulations, or by resolution of the Dallas or Polk County Board of Supervisors.

152.06 FAILURE TO MAINTAIN GRASS LAWNS. If the owner does not perform an action required under this chapter or if an owner does not otherwise comply with this chapter, the Clerk, upon his or her own action or upon the request of the Director, or any other City officer, shall by certified mail send a notice to the owner describing the violation, stating the act or acts necessary to comply with this chapter, stating the time in which compliance is required, and stating that if the required actions are not satisfactorily completed by the owner, the City will take the required actions and assess the costs against the owner and/or the property. In the event the required actions are not undertaken or satisfactorily completed by the owner as required and by the time specified in the Clerk's notice, the City may abate such violation by one or more of the following means:

1. By undertaking such abatement and assessing the costs therefor against the property for collection in the same manner as a property tax;
2. By issuance of a citation charging the owner with a municipal infraction.

Before the assessment of any charges for work done or caused to be done by the City, the owner (as defined in this chapter) and/or the owner of legal title to the property proposed to be assessed shall be given notice and opportunity for hearing before the Council. The notice shall set forth the amount proposed to be assessed and shall include a statement of the time, date and place of hearing before the Council.

(Section 152.06 – Ord. 364 – Dec. 18 Supp.)

152.07 APPLICATION FOR NATURAL AREA DESIGNATION AND WAIVER OF UNIFORM HEIGHT SPECIFICATIONS. An owner of property may make application, in writing, to the Council for the designation of an area as a natural area, and for a waiver allowing grass or weeds to grow beyond the maximum heights specified in Section 152.04.

1. If the Council grants a waiver, the owner shall maintain a buffer fifteen (15) feet in width on all sides of the natural area adjacent to developed properties or public right-of-way, which buffer area shall be cut, mowed, and maintained to the height required in Section 152.04.
2. No approved natural area shall contain any noxious weeds as defined in Section 152.05.
3. The failure to comply with any of the conditions for a natural area shall immediately void the waiver, shall subject the owner to the obligations under this chapter, and shall afford the City the remedies under Section 152.06.

(Ch. 152 – Ord. 197 – Nov. 04 Supp.)

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CHAPTER 155

BUILDING CODE

Section Number	Title	IBC Section	IRC Section
155.01	Short Title		
155.02	Adoption of Building Code		
155.03	Amendments, modifications, additions and deletions		
155.04	Referenced Codes -- Amendments, Modifications, Additions and Deletions		
155.05	Deletions		R501.3
155.06	Title	101.1	R101.1
155.07	Energy	101.4.6	R101.3.1
155.08	Creation of Enforcement Agency	103.1.	R103.1
155.09	Iowa State Plumbing Code	104.11	
155.10	Required (permits) Platting	105.1	R105.1
155.11	Work exempt from permit	105.2	R105.2
155.12	Expiration	105.5	R105.5
155.13	Revocation of Permit	105.6.1	R105.6.1
155.14	Plan Review Fees	109.2.1	R108.2.1
155.15	Work Commencing Before Permit Issuance	109.4	
155.16	Use & Occupancy		R110.1
155.17	Underground Utility Installation	112.4	R111.4
155.18	Definitions	202	R202
155.19	Climatic and Geographic Design Criteria		Table R301.2(1)
155.20	Exterior Walls		R302.1
155.21	Exterior Walls		Table R302.1
155.22	Townhouses		R302.2
155.23	Townhouses		R302.2A
155.24	Two-Family Dwellings		R302.3
155.25	Dwelling/Garage Fire Separation		R302.6
155.26	Dwelling/Garage Separation		Table R302.6
155.27	Bathrooms (Exhaust)		R303.3
155.28	Separation (garages)	406.3.4	
155.29	Emergency Escape and Rescue Required (basements)		R310.1
155.30	Operational Constraints	1029.4	R310.1.4
155.31	Emergency Escape Windows Under Decks & Porches		R310.5
155.32	Risers		R311.7.5.1
155.33	Continuity (handrail configuration)		R311.7.8.2
155.34	Automatic Fire Sprinkler Systems Townhomes exception		R313.1
155.35	Automatic Fire Sprinkler Systems One & Two Family exception		R313.2
155.36	Frost Protection		R403.1.4.1
155.37	Foundation Walls – lateral support		R404.1
155.38	Foundation Walls For Conventional Light Frame Wood Construction	1807.1.5.1 & Table	R404.1.2.2.3/Table
155.39	Foundation Drainage – sump pumps		R405.3
155.40	Reinforcement Support		R506.2.4
155.41	Single & multiple-station smoke alarms	907.2.11	
155.42	Foundation and Supports – mechanical equipment		M1403.2
155.43	Freezing		P2603.5
155.44	Sewer Depth		P2603.5.1
155.45	Continuity and Components	1007.2 #11	
155.46	Doors, Gates and Turnstiles (frost protection)	1008.1.6.1	
155.47	Continuity (handrails)	1012.4#4	
155.48	Access to a Public Way	1027.5.1	
155.49	Maximum Height From Floor (emergency escape and rescue)	1029.3	
155.50	Window Wells	1029.5.3	
155.51	Energy Efficiency	Chapter 13	Chapter 11 [RE]
155.52	Minimum Thickness of Weather Coverings (vinyl siding)	Table 1405.2 (f)	
155.53	Vinyl Siding (weather-resistive barrier required)	1405.14.2	
155.54	Ground Snow Loads	1608.2	
155.55	Flood Loads	1612	
155.56	Frost Protection	1809.5	
155.57	Swimming Pools, Spas and Hot Tubs		Appendix G
155.58	Swimming Pool – defined	3109.2	AG102
155.59	Compliance With Other Codes	3401.3	
155.60	Building Permits in New Subdivisions		

155.01 SHORT TITLE. This chapter shall be known as the Granger Building Code, and may be cited as such, and may be referred to herein as this chapter.

155.02 ADOPTION OF BUILDING CODE. Pursuant to published notice as required by law, the *International Building Code 2012 Edition*; and the *International Residential Building Code 2012 Edition*, published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the International Building Code 2012 Edition as adopted, a copy of the International Residential Code 2012 Edition as adopted and a copy of this chapter are on file in the office of the City Clerk.

155.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. *The International Building Code, 2012 Edition* (hereinafter known as the IBC), and the *International Residential Code, 2012 Edition* (hereinafter known as the IRC), are amended as hereinafter set out in Sections 155.04 through 155.59.

155.04 REFERENCED CODES - - AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The remaining sections in this chapter represent amendments to the requirements contained in the IBC and IRC. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply except that all references to flood hazard construction shall be coordinated in consultation with Chapter 160 of this Code of Ordinances.

155.05 DELETIONS. The following is deleted from the IRC and is of no force or effect in this chapter:

Subsection 501.3 Fire protection of floors
Part VIII - Electrical

155.06 SUBSECTIONS 101.1 AND R101.1 AMENDED - - TITLE. Subsections 101.1, Title, of the IBC and R101.1, Title, of the IRC, are hereby deleted and there is enacted in lieu thereof the following subsections:

Subsection 101.1 Title. These regulations shall be known as the Granger Building Code, hereinafter known as “this code.”

Subsection R 101.1 Title. These provisions shall be known as the Granger Residential Code for One- and Two – Family Dwellings, and shall be cited as such and will be referred to herein as “this code.”

155.07 SUBSECTION 101.4.6 AMENDED AND R101.3.1 ADDITION - - ENERGY. Subsection 101.4.6, Energy, of the IBC, is hereby amended by deleting said subsection and inserting in lieu thereof the following subsection and Subsection R101.3.1, Intent, of the IRC, is hereby established by adding the following subsection:

Subsection 101.4.6 Energy and Subsection R101.3.1 Intent. The provisions of the International Energy Code as currently adopted and amended by the Iowa State Building Code Bureau shall apply to all matters governing the design and construction of buildings for energy efficiency. Administration shall be as prescribed in “this

code' and these regulations shall be known as the Granger Energy Code. Construction or work for which a permit is required shall be subject to inspections and the Building Official may make or cause to be made the requested inspections. The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability. Any portion that does not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

155.08 SUBSECTIONS 103.1 AND R103.1 AMENDED - - CREATION OF ENFORCEMENT AGENCY. Subsection 103.1, Creation of enforcement agency, of the IBC and R103.1, Creation of enforcement agency, of the IRC, are hereby amended by adding the following paragraph:

Subsections 103.1 and R103.1 Building Official and Zoning Administrator The term Building Official is intended to also mean the Zoning Administrator, who shall be appointed by the Council and shall hereinafter also be referred to as Code Official and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official. The Code Official when so appointed, shall be responsible for the enforcement of the Building Code; the Mechanical code; the Plumbing code; the Gas Code, the Energy code, the Electrical code, the Zoning code and the Fire Prevention code of the city. The Code Official shall have authority to file a complaint in any court of competent jurisdiction charging a person with the violation of this Chapter. The Code Official shall have whatever additional duties the Council may prescribe.

155.09 SUBSECTION 104.11 ADDITION - - ALTERNATE MATERIALS, METHODS AND EQUIPMENT. Subsections 104.11.3, Plumbing and Fuel Gas, of the IBC, is hereby established by adding the following subsection:

Subsection 104.11, Alternate materials, methods and equipment, of the IBC is hereby amended by adding the following subsection and exception:

Subsection 104.11.3 – Iowa State Plumbing Code The Iowa State Plumbing Code consisting of the Uniform Plumbing Code, as prepared and edited by the International Association of Plumbing and Mechanical Officials, as amended and currently adopted by the State of Iowa Department of Public Health, is hereby approved as an alternate equivalent method for complete plumbing and fuel gas systems.

Subsection 104.11.3, Administration exception 1 Administrative regulations shall be as prescribed in the International Plumbing Code, 2012 Edition and International Fuel Gas Code, 2012 Edition, as adopted and amended.

155.10 SUBSECTIONS 105.1 AND R105.1 ADDITION - - (PERMITS) REQUIRED. Subsections 105.1, Required, of the IBC and R105.1, Required, of the IRC, are hereby amended by adding the following to said subsections:

Subsections 105.1 and R105.1 Platting required. A building permit shall not be issued unless the land upon which the proposed work is to be done is platted pursuant to the provisions of the subdivision regulations, unless a metes and bounds description previously has been utilized by the City.

A building permit shall not be issued permitting the construction of any building or other structure on any lot designated on any plat as an outlot, without such lot being replatted in accordance with the provisions of the subdivision regulations. Such platting may be waived by the city council if that body determines that no portion of the land is needed for public purposes or if that portion needed for public purposes, as determined by the council, is dedicated to the city; provided further, that such platting may be waived by the zoning administrator if the requested building permit is for one of the following purposes:

1. Any accessory structure or addition for a one or two family residence;
2. The removal, repair or alteration of a structure on unplatted premises, provided that there is no change in the use classifications of such structure;
3. The term "alteration" shall be deemed to mean any change or modification of a structure that does not serve to increase the size of the original structure by more than ten percent.

155.11 SUBSECTIONS 105.2 AND R105.2 AMENDED - - WORK EXEMPT FROM PERMIT. Subsections 105.2, Work exempt from permit, of the IBC and R105.2, Work exempt from permit, of the IRC are hereby amended by deleting the following items and adding a sentence to said subsections as follows:

Subsections 105.2 and R105.2 Work Exempt From Permit

Subsection 105.2 Building - Item #1 Detached structures not exceeding 120 sq. ft. - Delete

Subsection 105.2 Building - Item #2 Fences not over 7 feet high - Delete

Subsection 105.2 Building - Item #6 Sidewalks and driveways - Delete

Subsection 105.2 Building - Item #9 Prefabricated swimming pools - Delete

Subsection 105.2 Building - Item #10 Shade cloth structures - Delete

Subsection R105.2 Building - Item #1 Detached structures not exceeding 200 sq. ft. - Delete

Subsection R105.2 Building - Item # 2 Fences not over 7 feet high - Delete

Subsection R105.2 Building - Item #5 Sidewalks and driveways - Delete

Subsection R105.2 Building - Item #7 Prefabricated swimming pools - Delete

Subsection R105.2 Building - Item #10 Decks not exceeding 200 sq. ft. - Delete

Exemption from permit requirements of this chapter shall not preclude requirements for permitting of plumbing, electrical and mechanical installations and systems or compliance with this Code of Ordinances.

155.12 SUBSECTIONS 105.5 AND R105.5 AMENDED - - EXPIRATION. Subsections 105.5. Expiration, of the IBC and R105.5, Expiration, of the IRC, are hereby amended by deleting said subsections and inserting in lieu thereof the following:

Subsections 105.5 and R105.5 12 Month Expiration Every permit issued under the provisions of this Code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the

expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by Resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

155.13 SUBSECTIONS 105.6.1 AND R105.6.1 ADDITION - - REVOCATION OF PERMIT. Subsections 105.6.1 Revocation of Permit, of the IBC and R105.6.1, Revocation of Permit, of the IRC, are hereby established by adding the following subsections:

Subsections 105.6.1 and R105.6.1 Revocation of Permit It is the responsibility of the permit holder to schedule the required inspections and obtain final approval. Failure to schedule the required inspections and receive approval of work authorized by the permit before covering said work or at completion shall result in revocation of the permit and void any associated approvals granted by the City. This failure shall also equate to working without a permit in violation of City ordinance and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City. Failure to contact the City for any inspection or follow-up prior to expiration of a permit shall be deemed a violation of this code section. Failure to contact the City for any inspection or follow-up prior to expiration of a Temporary Certificate of Occupancy shall also be deemed a violation of this code section. Allowing occupancy of a structure, for which a person or company holds a building permit, prior to or without a valid Certificate of Occupancy (temporary or final) shall be deemed a violation of this code section and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City.

155.14 SUBSECTIONS 109.2.1 AND R108.2.1 ADDITION - - PLAN REVIEW FEES. Subsections 109.2.1, Plan review fees, of the IBC, and R108.2.1, Plan review fees, of the IRC, are hereby established by adding the following subsections:

Subsections 109.2.1 and R108.2.1 Plan review fees Fees for all plan reviews shall be as set forth and established by resolution of the City Council. All such fees shall be paid in accordance with the terms and requirements of such resolution or as the same may be amended by the City Council from time to time.

155.15 SUBSECTIONS 109.4 AND R108.6 ADDITION - - WORK COMMENCING BEFORE PERMIT ISSUANCE. Subsections 109.4, Work commencing before permit issuance, of the IBC, and R108.6, Work commencing before permit issuance, of the IRC, are hereby established by adding the following sentence after said subsections:

Subsections 109.4 and R108.6 Work commencing before permit issuance Said fee shall be 100 percent of the usual permit fee in addition to the required permit fees.

155.16 SUBSECTION R110.1 AMENDED - - USE AND OCCUPANCY. Subsection R110.1, Use and occupancy, of the IRC, is hereby amended by deleting exception #2 - Accessory buildings or structures.

155.17 SECTION 112 AND R111 ADDITION - - UNDERGROUND UTILITY INSTALLATION. Subsections 112.4, Service Utilities, of the IBC, and R111.4, Service Utilities, of the IRC, are hereby established by adding the following subsections:

Subsections 112.4 and R111.4 Underground utility installation All electrical service lines not exceeding four hundred eighty volts and all telephone and cablevision service lines, as well as other utility lines serving any new building or structure, including signs and billboards, requiring permanent electrical service shall be placed underground unless a waiver from such is approved by the city engineer.

The provisions of this section shall not apply to existing buildings or additions to such buildings. Nothing in this section shall be deemed to apply to temporary service when defined as such by the utility company.

155.18 SECTION R202 AMENDED - - DEFINITIONS.

Section 202 Swimming Pool Any structure intended for swimming, recreational bathing, or wading that is capable of containing water over thirty-six (36) inches deep. This includes in-ground, above-ground, and on-ground pools; hot tubs; spas and fixed-in-place wading pools, but excludes manmade lakes or ponds created through the collection of storm water or drainage runoff.

(Section 155.18 – Ord. 399 – Feb. 23 Supp.)

155.19 TABLE R301.2(1) AMENDED - - CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA. Table R301.2(1), Climatic and Geographic Design Criteria, of the IRC, is hereby amended by modifying said table as follows:

Table R301.2(1), Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design		Seismic Design Category	Subject To Damage From			Winter		Flood Hazards	Air Freezing Index	Mean Annual Temp.
	Speed MPH	Topographic Effects		Weathering	Frost Line Depth	Termite	Design Temp	Ice Barrier Req'd.	Flood Plain Ord Adoption		
30 PSF	90	NO	A	Severe	42"	No	-5° F	Yes	4-Jan-86	1833	48.6

155.20 SUBSECTION R302.1 AMENDED - - EXTERIOR WALLS. Subsection R302.1, Exterior walls, of the IRC, is hereby amended by deleting all exceptions and inserting in lieu thereof the following exception:

Subsection R302.1 Exterior walls exception #1 Accessory structures less than 10 feet from a dwelling and/or less than 3 feet from a property line shall be provided with 5/8" "X" fire code sheetrock or equivalent throughout the interior, including the walls and ceiling. Any accessory structure opening(s) in wall(s) parallel to and less than 10' from dwelling unit wall(s) shall be fire rated in accordance with this code.

155.21 SUBSECTION TABLE R302.1 AMENDED - - EXTERIOR WALLS. Table R302.1, Exterior Walls, of the IRC, is hereby amended by modifying said table as follows:

Table R302.1(1), Exterior Walls

Exterior Wall Element		Minimum Fire-Resistance Rating	Minimum Fire Separation Distance
Walls	(Fire-resistance rated)	1 hour with exposure from both sides per ASTM E 119 or UL 263	< 3 feet
	(Not fire-resistance rated)	0 hours	≥ 3 feet
Projections	(Fire-resistance rated)	1 hour on the underside	2 feet
	(Not fire-resistance rated)	0 hours	≥ 2 feet
Openings	Not allowed	N/A	< 3 feet
	25% Maximum Wall Area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet

155.22 SUBSECTION R302.2 AMENDED - - TOWNHOUSES. Subsection R302.2, Townhouses, of the IRC, is hereby amended by deleting said subsection and inserting in lieu thereof the following (exception and subsequent subsections remains unchanged):

Subsection R302.2 Townhouses Each sprinklered townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of section R302.1 for exterior walls. All townhouse groups of more than twelve attached units in which each unit does not have a yard or public way on at least two sides shall be sprinklered.

155.23 SUBSECTION R302.2A ADDITION - - TOWNHOUSES. Subsection R302.2, Townhouses, of the IRC, is hereby established by adding the following subsection and exception:

Subsection R302.2 Townhouses Each non-sprinklered townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls. All townhouse groups of more than twelve attached units in which each unit does not have a yard or public way on at least two sides shall be sprinklered.

Exception: A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with the Granger Electrical Code. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

155.24 R302.3 AMENDED - - TWO-FAMILY DWELLINGS. Subsection R302.3 Two-family dwellings, of the IRC, is hereby amended by deleting said subsection and inserting in lieu thereof the following and deleting exception 2:

R302.3 Two-family dwellings For purposes of fire-resistive separation, two-family dwelling units shall be considered as townhouses and shall be constructed in accordance with R302.2.

Exception 2 deleted

155.25 SUBSECTION R302.6 AMENDED - - DWELLING/GARAGE FIRE SEPARATION. Subsection R302.6, Dwelling/garage fire separation, of the IRC, is hereby amended by deleting said subsection and inserting in lieu thereof the following subsection:

Subsection R302.6 Dwelling/garage fire separation The garage shall be separated throughout as required by Table R302.6. Openings in garage walls shall comply with section R302.5.

155.26 SUBSECTION TABLE R302.6 AMENDED - - DWELLING/GARAGE SEPARATION. Table R302.6 Exterior Walls, of the IRC, is hereby amended by modifying said table as follows:

Table R302.6, Dwelling/garage separation

Separation	Material
From the residence & attics – common wall with garage	5/8” “X” fire code sheetrock or equivalent applied to the garage side
From all habitable rooms above the garage	5/8” “X” fire code sheetrock or equivalent – throughout garage
Structures supporting floor/ceiling assemblies used for separation required by this section	5/8” “X” fire code sheetrock or equivalent – throughout garage
Garages located less than 10 feet from a dwelling unit(s) on the same lot	5/8” “X” fire code sheetrock or equivalent – throughout garage

155.27 SUBSECTION R303.3 AMENDED - - BATHROOMS. Subsection R303.3, Bathrooms, of the IRC, is hereby amended by deleting said subsection and inserting in lieu thereof the following subsection and also by adding the following exception:

Subsection R303.3 Bathrooms Bathrooms shall be provided with a mechanical ventilation system. The minimum ventilation rates shall be 50 cfm for intermittent ventilation or 20 cfm for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside.

Exception: Toilet rooms containing only a water closet and/or lavatory may be provided with a recirculating fan.

155.28 SUBSECTION 406.3.4 AMENDED - - SEPARATION. Subsection 406.3.4, Separation, of the IBC, is hereby amended by deleting subsection #1 and inserting in lieu thereof the following:

Subsection 406.3.4 Separation #1 The private garage shall be separated from the dwelling unit and its attic area by means of minimum 5/8-inch type "X" fire code gypsum board or equivalent applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 5/8-inch type "X" fire code gypsum board or equivalent throughout. Garages beneath habitable rooms shall be separated by not less than 5/8-inch type "X" fire code gypsum board or equivalent throughout. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8" thick, or doors in compliance with 716.5.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Doors shall be self-closing and self-latching.

155.29 SUBSECTION R310.1 AMENDED - - EMERGENCY ESCAPE AND RESCUE REQUIRED. Subsection R310.1, Emergency escape and rescue required, of the IRC, is hereby amended by deleting the first paragraph of said section and inserting in lieu thereof the following:

Subsection R310.1 Emergency escape and rescue required Basements, habitable attics and every sleeping room shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where a window is provided as a means of escape and rescue opening from a basement, it shall have a sill height of not more than 44 inches above the floor or landing. Where a landing is provided, the landing shall be not less than 36 inches wide, not less than 18 inches out from the exterior wall, and not more than 24 inches in height. The landing shall be permanently affixed to the floor below and the wall under the openable area of the window it serves. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section 310.3. Escape and rescue window openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

155.30 SUBSECTIONS 1029.4 AND R310.1.4 AMENDED - - OPERATIONAL CONSTRAINTS. Subsections 1029.4, Operational Constraints, of the IBC and R310.1.4, Operational constraints, of the IRC, are hereby amended by adding a new sentence and exception following these subsections:

Subsections 1029.4 and R310.1.4 Operational Constraints The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside and shall not require the removal of a sash or other component of the emergency escape and rescue opening.

Exception: Existing required emergency escape openings shall be maintained in accordance with the Granger Property Maintenance Code and may be replaced with the same size and type of window.

155.31 SUBSECTION R310.5 AMENDED - - EMERGENCY ESCAPE WINDOWS UNDER DECKS AND PORCHES. Subsection R310.5, Emergency escape windows under decks and porches, of the IRC, is hereby amended by adding a new sentence following this section:

Subsection R310.5 Emergency escape windows under decks and porches Cantilever areas of all construction elements shall be regulated in accordance with this section.

155.32 SUBSECTION R311.7.5.1 AMENDED - - RISERS. Subsection R311.7.5.1, Riser height, of the IRC, is hereby amended by adding the following exceptions:

Subsection R311.7.5.1 Riser height exception 2 The maximum riser height shall be 7 3/4 inches. The riser height shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch, except at the top or bottom riser of any interior stair where this dimension may deviate by a maximum of 1 inch. In no case shall the risers exceed the maximum height of 7 3/4 inches.

Subsection R311.7.5.1 Profile exception 3 The opening between adjacent treads is not limited on exterior stairs serving individual dwelling units.

155.33 SUBSECTION R311.7.8.2 ADDITION - - CONTINUITY. Subsection R311.7.8.2, Continuity, of the IRC, is hereby amended by adding the following exception:

Subsection R311.7. 8.2 Continuity exception 3 Handrails within a dwelling unit or serving an individual dwelling unit shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

155.34 SUBSECTION R313.1 AMENDED - - TOWNHOUSE AUTOMATIC FIRE SPRINKLER SYSTEMS. Subsection R313.1 Townhouse automatic fire sprinkler system, of the IRC, is hereby amended by deleting said subsection and inserting the following in lieu thereof (exception remains unchanged):

Subsection R313.1 Townhouse automatic fire sprinkler systems An automatic residential fire sprinkler system shall be installed in townhouses containing more than 12 (twelve) dwelling units.

155.35 SUBSECTION R313.2 AMENDED - - ONE- AND TWO-FAMILY DWELLINGS AUTOMATIC FIRE SYSTEMS. Subsection R313.2 One- and two-family automatic fire sprinkler systems, of the IRC, is hereby amended by adding the following exception:

Subsection R313.2 One- and two-family automatic fire sprinkler systems exception 2 Dwelling units in which the gross square footage of the dwelling space(s), including all floor levels whether finished or unfinished and all basement areas whether finished or unfinished (exclusive of attached garage area), does not exceed 8,000 square feet.

155.36 SUBSECTION R403.1.4.1 - - AMENDED - - FROST PROTECTION. Subsection R403.1.4.1, of the IRC, is hereby amended by deleting all existing exceptions and inserting in lieu thereof the following:

Subsection R403.1.4.1 Frost protection exception 1 Detached garages of light frame wood construction of 1,010 square feet or less in size and detached garages of 400 square feet or less in size of other than light frame wood construction and more than 10 feet from a dwelling or attached garage may be provided with a floating slab which shall include a thickened slab edge of a minimum 8 inches thick and tapered or squared from a width of 6 inches to 12 inches and have floors of Portland cement concrete not less than 4 inches thick. Garages areas shall have all sod and/or debris removed prior to installation of said floor.

155.37 SUBSECTION R404.1 AMENDED - - CONCRETE AND MASONRY FOUNDATION WALLS. Subsection R404.1, Concrete and masonry foundation walls, of the IRC, is hereby amended by adding the following paragraph:

Subsection R404.1 Concrete and masonry foundation walls lateral support Prior to backfill and prior to a poured in place floor slab to provide bottom lateral support the following may be provided (1) a full depth (minimum 1-1/2") nominal 2" x 4" keyway may be formed into the footings to secure the bottom of the foundation wall - or- (2) 36" long vertical # 4 rebar may be embedded a minimum of 6" into the footings not to exceed 7' o.c. spacing.

155.38 SUBSECTIONS 1807.1.5.1 AND R404.1.2.2.3 ADDITION - - FOUNDATION WALLS FOR CONVENTIONAL LIGHT FRAME WOOD CONSTRUCTION. Subsections 1807.1.5.1, Foundation Walls For Conventional Light Frame Wood Construction, of the IBC and R404.1.2.2.3, Foundation Walls For Conventional Light Frame Wood Construction, of the IRC, are hereby established by adding the following subsections and table:

Subsections 1807.1.5.1 and R404.1.2.2.3 Foundation Walls For Conventional Light Frame Wood Construction As an alternate to the requirements of respective codes the following Table 'Foundation Walls for Conventional Light Frame Construction' may be used:

Table - 'Foundation Walls for Conventional Light Frame Construction'

Height of Foundation Wall (Net measured from top of basement slab to top of foundation wall)*		Thickness of Foundation Walls		Reinforcement type and placement within Foundation Wall**	Reinforcement type and placement within Foundation Wall** (maximum 12' span between corners and supporting cross walls.)	Type of Mortar
		<u>Unit</u>				
<u>Gross</u>	<u>Net</u>	<u>Concrete</u>	<u>Masonry</u>	<u>Concrete</u>	<u>Masonry</u>	<u>Masonry</u>
8	7' 8"	7 ½"	8"	½" horizontal bars, placement in the middle, and near the top & bottom – ½" bars @ 6' max. vertically	0.075 square inch bar 8' o.c. vertically in fully grouted cells. If block is 12" nominal thickness, may be unreinforced.	Type M or S. Grout & Mortar shall meet provisions of Chapter 21 IBC
9	8' 8"	8"	See Chapter 18 IBC	½" bars 2' o.c. horizontally & 20" vertically o.c. (5/8" bars 2' o.c. horizontally & 30" vertically o.c.)	See Chapter 18 IBC	Same as above
10	9' 8"	8"	See Chapter 18 IBC		See Chapter 18 IBC	Same as above
*Concrete floor slab to be nominal 4". If such floor slab is not provided prior to backfill, provide 1) 36" vertical #4 rebar embedded in the footing @ maximum 7' O.C. spacing -and/or- 2) full depth nominal 2" depth x 4" width keyway in footing						
** All reinforcement bars shall meet ASTM A6175 grade 40 minimum and be deformed. Placement of bars shall be in center of wall and meet the provisions of 18, 19, and 21 of the International Building Code.						
NOTE: Cast in place concrete shall have a compressive strength of 3,000 lbs @ 28 days. Footings shall contain continuous reinforcement of 2 – ½" diameter rebar throughout. Placement of reinforcement and concrete shall meet the requirements of Chapter 19 of the International Building Code.						
NOTE: Material used for backfilling shall be carefully placed granular soil of average or high permeability and shall be drained with an approved drainage system as prescribed in Section 1805.4 of the International Building Code. Where soils containing a high percentage of clay, fine silt or similar materials of low permeability or expansive soils are encountered or where backfill materials are not drained or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required.						
Note: Foundation plate or sill anchorage may be installed in accordance with the respective codes as applicable.						

155.39 SECTION R405 ADDITION - - FOUNDATION DRAINAGE. Section R405, Foundation Drainage, of the IRC, is hereby amended by adding a new subsection as follows:

Subsection R405.3 Sump Pumps Footing drains and drainage systems shall be discharged to a sump pump plumbed to a discharge system separated from the sanitary sewer and in accordance with the standard specifications adopted by the City Council. Exceptions may be granted by the Code Official in accordance with said engineering standards.

155.40 SUBSECTION R506.2.4 ADDITION - - REINFORCEMENT SUPPORT. Subsection R506.2.4, of the IRC, Reinforcement support is hereby amended by addition of the following exception:

Subsection R506.2.4 Reinforcement support exception 1 Non-structural slabs

155.41 SUBSECTION 907.2.11 AMENDED - - SINGLE AND MULTIPLE-STATION SMOKE ALARMS. Subsection 907.2.11, of the IBC, Single and Multiple-station smoke alarms is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 907.2.11 Single and Multiple-station smoke alarms Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with provisions of this code and the household fire warning equipment provision of NFPA 72. Smoke alarms shall be addressable with sounder bases and tied into the building fire alarm system as a supervisory signal only. Mini horns are not required if notification from a building fire alarm system is through the smoke alarms with sounder bases.

155.42 SUBSECTION M1403.2 AMENDED - - FOUNDATIONS AND SUPPORTS. Subsection M1403.2 Foundations and supports, of the IRC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Subsection M1403.2 Foundation and supports Foundations and supports for outdoor mechanical systems shall be raised at least one and one half inches above the finished grade and shall also conform to the manufacturer's installation instructions.

155.43 SUBSECTION P2603.5 AMENDED - - FREEZING. Subsection P2603.5 Freezing, of the IRC, is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

Subsection P2603.5 Freezing Exterior water supply system piping shall be installed not less than sixty (60) inches below grade.

155.44 SUBSECTION P2603.5.1 AMENDED - - SEWER DEPTH. Subsection P2603.5.1 Sewer Depth, of the IRC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection P2603.5.1 Sewer Depth Building sewers shall be a minimum of forty-eight (48) inches below grade.

155.45 SUBSECTION 1007.2 ADDITION - - CONTINUITY AND COMPONENTS. Subsection 1007.2, Continuity and Components, Of the IBC, is hereby amended by adding the following #11 to said subsection:

Subsection 1007.2 Continuity and Components #11 Components of exterior walking surfaces shall be hard surfaced.

155.46 SECTION 1008 ADDITION - - DOORS, GATES AND TURNSTILES. Section 1008, Doors, Gates and Turnstiles, of the IBC, is hereby amended by adding the following subsection:

Subsection 1008.1.6.1 Frost Protection Exterior landings at doors shall be provided with frost protection.

155.47 SUBSECTION 1012.4 ADDITION - - (HANDRAIL) CONTINUITY.

Subsection 1012.4, Continuity, of the IBC, is hereby amended by adding the following exception:

Subsection 1012.4 Continuity exception 5 Handrails within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

155.48 SUBSECTION 1027.5 ADDITION - - ACCESS TO A PUBLIC WAY.

Subsection 1027.5, Access to a Public Way, of the IBC, is hereby amended by adding the following subsection:

Subsection 1027.5.1 Access to a Public Way Components of exterior walking surfaces shall be hard surfaced.

155.49 SUBSECTION 1029.3 AMENDED - - (EMERGENCY ESCAPE AND RESCUE) MAXIMUM HEIGHT FROM FLOOR. Subsection 1029.3, Maximum Height From Floor, of the IBC, is hereby amended by adding the following exception:

Subsection 1029.3 Maximum Height From Floor exception 1 Within individual units of Group R-2 and R-3 occupancies where a window is provided as a means of escape and rescue opening from a basement it shall have a sill height of not more than 44 inches above the floor or landing. Where a landing is provided the landing shall be not less than 36 inches wide, not less than 18 inches out from the exterior wall, and not more than 24 inches in height. The landing shall be permanently affixed to the floor below and the wall under the openable area of the window it serves.

155.50 SUBSECTION 1029.5 - - WINDOW WELLS. Subsections 1029.5, Window Wells, of the IBC, is hereby amended by adding the following subsection:

Subsections 1029.5.3 Window well drainage All window wells shall be provided with approved drainage.

155.51 CHAPTER 13 ENERGY EFFICIENCY AND CHAPTER 11 [RE] AMENDED - - ENERGY EFFICIENCY. Chapter 13, Energy Efficiency, of the IBC and Chapter 13 [RE], Energy Efficiency, of the IRC, are hereby amended by deleting said chapters and inserting in lieu thereof the following:

Chapter 13 Energy Efficiency (IBC) and Chapter 11 (IRC). The provisions of the International Energy Code as currently adopted and amended by the Iowa State Building Code Bureau shall apply to all matters governing the design and construction of buildings for energy efficiency. Administration shall be as prescribed in "this code" and these regulations shall be known as the Granger Energy Code.

155.52 TABLE 1405.2 ADDITION - - MINIMUM THICKNESS OF WEATHER COVERINGS. Table 1405.2, Minimum Thickness of Weather Coverings, of the IBC, is hereby amended by adding the following footnote:

Table 1405.2 Minimum Thickness of Weather Coverings footnote f Vinyl siding shall be provided with a weather-resistant sheathing paper.

155.53 SUBSECTION 1405.14 ADDITION - - VINYL SIDING. Subsection 1405.14, Vinyl Siding, of the IBC, is hereby amended by adding a new subsection as follows:

Subsection 1405.14.2 Water-Resistive Barrier Required An approved water-resistive barrier shall be provided under all vinyl siding.

155.54 SUBSECTION 1608.2 AMENDED - - GROUND SNOW LOADS. Subsection 1608.2, Ground Snow Loads, of the IBC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Subsection 1608.2 Ground Snow Load The ground snow load to be used in determining the design snow load for roofs is hereby established at 30 pounds per square foot. Subsequent increases or decreases shall be allowed as otherwise provided in the building code, except that the minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load.

155.55 SECTION 1612 AMENDED - - FLOOD LOADS. Section 1612, Flood Loads, of the IBC, is hereby amended by deleting said section and inserting in lieu thereof the following section:

Section 1612.1 General Floodplain Construction Standards The following standards are established for construction occurring within the one-hundred-year flood elevation:

A. All structures shall:

1. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure;
2. Be constructed with materials and utility equipment resistant to flood damage; and
3. Be constructed by methods and practices that minimize flood damage.

B. Residential buildings: All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the one-hundred-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the one-hundred-year flood level and extend at such elevation at least eighteen feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Code Official where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

C. Nonresidential buildings: All new or substantially improved nonresidential buildings shall have the first floor (including basement) elevated a minimum of one foot above the one-hundred-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level.

D. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the

flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one-hundred-year flood; that the structure, below the one-hundred-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to mean sea level) to which any structures are floodproofed shall be maintained by the Code Official.

E. Mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements are that:

1. Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations for mobile homes 50 feet or more in length or one such tie for mobile homes less than 50 feet in length;
2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points for mobile homes 50 feet in length;
3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and
4. Any additions to the mobile home be similarly anchored.

F. Mobile homes shall be placed on lots or pads elevated by means of compacted fill so that the lowest floor of the mobile home will be a minimum of one foot above the one-hundred-year flood level. In addition, the tie-down specification of Section 175.04.350 subsection E must be met and adequate surface drainage and access for a hauler must be provided.

G. New mobile homes, expansions to existing mobile homes and mobile home lots where the repair, reconstruction or improvement of the streets, utilities, and pads equals or exceeds fifty percent before the repair, reconstruction or improvement has commenced shall provide:

1. Lots or pads that have been elevated by means of compacted fill so that the lowest floor of mobile homes will be a minimum of one-foot above the one-hundred-year flood level;
2. Ground anchors for mobile homes.

H. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the one-hundred-year flood level. Other material and equipment must either be similarly elevated or:

1. Not be subject to major flood damage and be anchored to prevent movement due to flood waters; or
2. Be readily removable from the area within the time available after flood warning.

Section 1612.2 Special floodway standards.

The following standards are established for construction occurring within a designated floodway.

A. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable general floodplain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.

B. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

155.56 SUBSECTION 1809.5 ADDITION - - FROST PROTECTION.

Subsection 1809.5, Frost Protection, of the IBC, is hereby amended by adding the following exception 4:

Exception 4 Detached garages, accessory to Group R-2 and R-3 occupancies, 1010 square feet or less in size of light frame wood construction and detached garages of 400 square feet or less in size of other than light frame wood construction and more than 10 feet from a dwelling or attached garage may be provided with a floating slab which shall include a thickened slab edge of a minimum 8 inches thick and tapered or squared from a width of 6 inches to 12 inches and have floors of Portland cement concrete not less than 4 inches thick. Garage areas shall have all sod and/or debris removed prior to installation of said floor.

155.57 APPENDIX G ADOPTED - - SWIMMING POOLS, SPAS AND HOT TUBS. Appendix G, Swimming Pools, Spas and Hot Tubs, of the IRC, is hereby adopted by reference and shall be in full force and effect in this chapter.

155.58 SUBSECTION 3109.2 AND AG102 DEFINITION AMENDED - - SWIMMING POOL.

Swimming Pool Any structure intended for swimming, recreational bathing, or wading that is capable of containing water over thirty-six (36) inches deep. This includes in-ground, above-ground, and on-ground pools; hot tubs; spas and fixed-in-place wading pools, but excludes manmade lakes or ponds created through the collection of storm water or drainage runoff.

(Section 155.58 – Ord. 399 – Feb. 23 Supp.)

155.59 SECTION 3401.3 AMENDED - - COMPLIANCE. Section 3401.3, Compliance, of the IBC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 3401.3 Compliance. Alterations, repairs, additions and changes of occupancy to existing structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy in the Granger Fire Code, Granger Plumbing Code, Granger Fuel Gas Code, Granger Property Maintenance Code, Granger Mechanical Code, Granger Electrical Code, Granger Energy Code, Granger Residential Code and the Granger Center Zoning Code. The provisions of this code shall not be deemed to nullify or lessen any provisions of local, state or federal law.

155.60 BUILDING PERMITS IN NEW SUBDIVISIONS. An applicant for a building permit in a subdivision that has been platted after January 1, 2002, shall certify on the application for a building permit whether sewer, water, electricity and natural gas utility services are available at the property line of the lot for which the building permit is sought. If the utility services are not available, a building permit will not be issued by the Building Official until such time as the applicant files a new application certifying that the utility services are available at the property line. In the event, however, both the property owner and builder waive in writing the requirement that sewer, water, electricity and natural gas utility services be available at the

property line, the Building Official shall proceed to issue the building permit, if all other requirements are met.

(Ch. 155 – Ord. 311 – Dec. 14 Supp.)

CHAPTER 155A

PROPERTY MAINTENANCE CODE

Section Number	Title	IPMC Section
155A.01	Short Title	
155A.02	Adoption of Property Maintenance Code	
155A.03	Amendments, Modification, Additions and Deletions	
155A.04	Deletions	
155A.05	Conflicts	
155A.06	Title	101.1
155A.07	Application of Other Codes	102.3
155A.08	General (Building & Zoning Administrator)	103.1
155A.09	Fees	103.5

155A.01 SHORT TITLE. This chapter shall be known as the Granger Property Maintenance Code, and may be cited as such, and may be referred to herein as this chapter.

155A.02 ADOPTION OF PROPERTY MAINTENANCE CODE. The *International Property Maintenance Code 2012 Edition*; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Property Maintenance Code 2012 Edition*, as adopted and a copy of this chapter are on file in the office of the City Clerk.

155A.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Property Maintenance Code, 2012 Edition* (hereinafter known as the IPMC), is amended as hereinafter set out in Sections 155A.04 through 155A.18.

155A.04 DELETIONS. The following are deleted from the IPMC and are of no force or effect in this chapter:

Section - 111 Means Of Appeal

155A.05 CONFLICTS. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

155A.06 SECTION 101.1 AMENDED - - TITLE. Subsection 101.1, Title, of the IPMC is hereby deleted and there is enacted in lieu thereof the following subsection:

Subsection 101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Granger, hereinafter known as “this code.”

155A.07 SUBSECTION 102.3 AMENDED - - APPLICATION OF OTHER CODES. Subsection 102.3 Application of other codes, of the IPMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 102.3 Application of other codes Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions, as applicable, of the Granger Building Code, Granger Residential Code, Granger Mechanical Code, Granger Fuel Gas Code, Granger Plumbing Code, Granger Fire Code, the Granger Electrical Code and the Granger Zoning Code.

155A.08 SUBSECTION 103.1 ADDITION - - GENERAL. Subsections 103.1, General, of the IPMC, is hereby amended by adding the following paragraph to said subsection:

Subsection 103.1 Building and Zoning Administrator The term Code Official is intended to also mean the Building Official and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official.

155A.09 SUBSECTION 103.5 AMENDED - - FEES. Subsection 103.5, Fees, of the IPMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 103.5 Schedule of permit fees Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Granger. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

The permit fees shall be based upon the valuation of the proposed construction and shall be computed from tables set by resolution of the City Council.

(Ch. 155A – Ord. 313 – Dec. 14 Supp.)

CHAPTER 155B

PLUMBING CODE

Section Number	Title	IPC Section
155B.01	Short Title	
155B.02	Adoption of Plumbing Code	
155B.03	Amendments, modification, additions and deletions	
155B.04	Deletions	
155B.05	Conflicts	
155B.06	Title	101.1
155B.07	General (Building & Zoning Administrator)	103.1
155B.08	State Plumbing Code	105.2.1
155B.09	Permit Acquisition	106.1.1
155B.10	Expiration	106.5.3
155B.11	Retention of Construction Documents	106.5.6
155B.12	Fee Schedule	106.6.2
155B.13	Fee Refunds	106.6.3
155B.14	Violation Penalties	108.4
155B.15	Stop Work Order	108.5
155B.16	Freezing	305.4
155B.17	Sewer Depth	305.4.1
155B.18	Substitution	410.3
155B.19	Material, joints and connections (underground copper)	605.1.1
155B.20	Building Sewer (minimum size)	703.6
155B.21	Backwater Valves (exception)	715.1
155B.22	Basement Floor Drain Venting (exception)	901.2.1
155B.23	Roof Extension (vent)	903.1
155B.24	Grease Interceptors	1003.3

155B.01 SHORT TITLE. This chapter shall be known as the Granger Plumbing Code, and may be cited as such, and may be referred to herein as this chapter.

155B.02 ADOPTION OF PLUMBING CODE. The *International Plumbing Code 2012 Edition*; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Plumbing Code 2012 Edition*, as adopted, and a copy of this chapter are on file in the office of the City Clerk.

155B.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Plumbing Code, 2012 Edition* (hereinafter known as the IPC), is amended as hereinafter set out in Sections 178.04 through 178.24.

155B.04 DELETIONS. The following are deleted from the IPC and are of no force or effect in this chapter:

Subsection 106.5.4 Extensions, Section 109 Means of Appeal.

155B.05 REFERENCED CODES - - CONFLICTS. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

155B.06 SUBSECTION 101.1 AMENDED - - TITLE. Subsection 101.1, Title, of the IPC is hereby deleted and there is enacted in lieu thereof the following subsection:

Subsection 101.1 Title. These regulations shall be known as the Plumbing Code of the City of Granger, hereinafter known as “this code.”

155B.07 SUBSECTION 103.1 ADDITION - - GENERAL. Subsections 103.1, General, of the IPC, is hereby amended by adding the following paragraph to said subsection:

Subsection 103.1 Building and Zoning Administrator. The term Code Official is intended to also mean the Building Official and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official.

155B.08 SUBSECTION 105.2 ADDITION - - ALTERNATE MATERIALS, METHODS AND EQUIPMENT. Subsection 105.2, Alternate materials, methods and equipment, of the IPC, is hereby amended by adding the following subsection 105.2.1 and exception:

Subsection 105.2.1 - Uniform Plumbing Code, As Currently Adopted Edition. The Uniform Plumbing Code, as prepared and edited by the International Association of Plumbing and Mechanical Officials, as currently adopted and amended by the Plumbing and Mechanical Systems Board, Iowa Department of Public Health, is hereby approved as an alternate equivalent method for complete plumbing systems.

Subsection 105.2.1, Administration exception 1. Administrative regulations shall be as prescribed in the International Plumbing Code, 2012 Edition, as amended in this ordinance.

155B.09 SUBSECTION 106.1.1 ADDITION - - PERMIT ACQUISITION. Subsection 106.1.1 Permit acquisition, of the IPC, is hereby established by adding the following:

Subsection 106.1.1 Permit acquisition.

1. Permits are not transferable. Plumbing work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board in accordance with Iowa Code Chapter 105. A plumber licensed by the State of Iowa Plumbing and Mechanical Systems Board as a “Master” may sign and obtain a permit for the contractor for which they are employed only when said “Master” has provided proof of employment by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Code Official upon the violation of any provision of this code.

2. A State of Iowa licensed Plumbing contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed Plumbing contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 105 shall perform the work for which the permit was obtained.

3. For purposes of this section, an “employee” shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.

4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.

5. Homeowners (owner/occupants) qualifying for the homestead tax exemption may acquire permits for their principal residence (not an apartment) and appurtenant accessory structures for plumbing work, not to include connection within the public right-of-way to the public main of sewer, water and storm lines.

155B.10 SUBSECTION 106.5.3 AMENDED - - EXPIRATION. Subsection 106.5.3 Expiration, of the IPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.3 12 Month Expiration. Every permit issued under the provisions of this Code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by Resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

155B.11 SUBSECTION 106.5.6 AMENDED - - RETENTION OF CONSTRUCTION DOCUMENTS. Section 106.5.6, Retention of construction documents, of the IPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.6 Retention of construction documents. One set of construction documents shall be retained by the Code Official until final approval of the work covered therein.

155B.12 SUBSECTION 106.6.2 AMENDED - - FEE SCHEDULE. Subsection 106.6.2 Fee schedule, of the IPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.6.2 Fee schedule. Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Granger. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

155B.13 SUBSECTION 106.6.3 AMENDED- - FEE REFUNDS. Subsection 106.6.3, Fee refunds, of the IPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.6.3 Fee refunds. The Code Official is authorized to establish a refund policy.

155B.14 SUBSECTION 108.4 AMENDED - - VIOLATION PENALTIES. Subsection 108.4, Violation penalties, of the IPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs plumbing work in violation of the approved construction documents or directive of the Code Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

155B.15 SUBSECTION 108.5 AMENDED - - STOP WORK ORDER. Subsection 108.5, Stop Work Orders, of the IPC, is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

155B.16 SUBSECTION 305.4 AMENDED - - FREEZING. Subsection 305.4 Freezing, of the IPC, is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

Subsection 305.4 Freezing. Exterior water supply system piping shall be installed not less than sixty (60) inches below grade.

155B.17 SUBSECTION 305.4.1 AMENDED - - SEWER DEPTH. Subsection 305.4.1 Sewer Depth, of the IPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 305.4.1 Sewer Depth. Building sewers shall be a minimum of forty-eight (48) inches below grade.

155B.18 SECTION 410.3 ADDITION - - SUBSTITUTION. Subsection 410.3 Substitution, of the IPC, is hereby amended by adding the following exception:

Subsection 410.3 Minimum number of fixtures exception. Water coolers or bottled water dispensers in accessible locations and within accessible reach ranges may be substituted for the initial drinking fountain in business occupancies with an occupant load of not more than 30 and mercantile occupancies with an occupant load of not more than 100. (re: IBC chapter 11, T1902.1 and IPC T 403.1 footnote e)

155B.19 SECTION 605 ADDITION - - MATERIALS, JOINTS AND CONNECTIONS. Section 605 Materials, joints and connections, of the IPC, is hereby amended by adding the following subsection:

Subsection 605.1.1 Underground Copper. Copper tube for underground piping shall have a weight of not less than type K.

155B.20 SECTION 703 ADDITION - - BUILDING SEWER. Section 703 Building Sewer, of the IPC, is hereby amended by adding the following subsection:

Subsection 703.6 Minimum Building Sewer Size. The minimum diameter for a building sewer shall be four (4) inches.

155B.21 SUBSECTION 715.1 ADDITION - - BACKWATER VALVES. Subsection 715.1 Sewage Backflow, of the IPC, is hereby amended by adding the following:

Subsection 715.1 Sewage backflow exception 1. The requirements of this section shall apply when determined necessary by the Code Official based on local conditions.

155B.22 SUBSECTION 901.2.1 ADDITION - - VENTING REQUIRED. Subsection 901.2.1 Venting Required, of the IPC, is hereby amended by adding the following exception:

Subsection 901.2.1 Venting Required exception. A vent is not required on a three inch basement floor drain provided its drain branches into the building drain on the sewer side at a distance of five feet or more from the base of the stack and the branch line to such floor drain is not more than twelve feet in length.

155B.23 SUBSECTION 903.1 AMENDED - - ROOF EXTENSION. Subsection 903.1 Roof Extension, of the IPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 903.1 Roof Extension. All open vent terminals which extend through a roof shall be terminated not less than 6 inches above the roof nor less than 1 foot from any vertical surface. Where a roof is used for any purpose other than weather protection, the vent extension(s) shall terminate not less than 7 feet above the roof.

155B.24 SUBSECTION 1003.3 AMENDED - - GREASE INTERCEPTORS. Subsection 1003.3 Grease Interceptors, of the IPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 1003.3 Grease Interceptors. Grease Interceptors shall comply with the requirements of Section 96.06 of the Code of Ordinances.

(Ch. 155B – Ord. 314 – Dec. 14 Supp.)

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CHAPTER 155C

MECHANICAL CODE

Section Number	Title	IMC Section
155C.01	Short Title	
155C.02	Adoption of Mechanical Code	
155C.03	Amendments, Modification, Additions and Deletions	
155C.04	Deletions	
155C.05	Conflicts	
155C.06	Title	101.1
155C.07	General (Building & Zoning Administrator)	103.1
155C.08	Permit Acquisition	106.1.1
155C.09	Permits Not Required	106.2
155C.10	Expiration	106.4.3
155C.11	Schedule of Permit Fees	106.5.2
155C.12	Fee Refunds	106.5.3
155C.13	Violation Penalties	108.4
155C.14	Stop Work orders	108.5
155C.15	Refrigerant Piping	1107.2

155C.01 SHORT TITLE. This chapter shall be known as the Granger Mechanical Code, and may be cited as such, and may be referred to herein as this chapter.

155C.02 ADOPTION OF MECHANICAL CODE. The *International Mechanical Code 2012 Edition*; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Mechanical Code 2012 Edition*, as adopted and a copy of this chapter are on file in the office of the City Clerk.

155C.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Mechanical Code, 2012 Edition* (hereinafter known as the IMC), is amended as hereinafter set out in Sections 176.04 through 176.15.

155C.04 DELETIONS. The following are deleted from the IMC and are of no force or effect in this chapter:

Subsection 106.4.4 Extensions, Section 109 Means of Appeal.

155C.05 CONFLICTS. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

155C.06 SUBSECTION 101.1 AMENDED - - TITLE. Subsection 101.1, Title, of the IMC, is hereby deleted and there is enacted in lieu thereof the following subsection:

Subsection 101.1 Title. These regulations shall be known as the Granger Mechanical Code, hereinafter known as “this code.”

155C.07 SUBSECTION 103.1 ADDITION - - GENERAL. Subsections 103.1, General, of the IMC, is hereby amended by adding the following paragraph to said subsection:

Subsection 103.1 Building and Zoning Administrator. The term Code Official is intended to also mean the Building Official and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official.

155C.08 SUBSECTION 106.1.1 ADDITION - - PERMIT ACQUISITION. Subsection 106.1.1 Permit acquisition, of the IMC, is hereby established by adding the following:

Subsection 106.1.1 Permit acquisition.

1. Permits are not transferable. Mechanical work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board in accordance with Iowa Code Chapter 105. A responsible person or mechanical professional licensed by the State of Iowa Plumbing and Mechanical Systems Board as a “Master” may sign and obtain a permit for the contractor for which they are employed only when said responsible person or “Master” has provided proof of employment or written confirmation by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Code Official upon the violation of any provision of this code.
2. A State of Iowa licensed Mechanical contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed Mechanical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 105 shall perform the work for which the permit was obtained.
3. For purposes of this section, an “employee” shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.
4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefor shall be grounds for immediate revocation of any permit for the work in question.

155C.09 SUBSECTION 106.2 ADDITION - - PERMITS NOT REQUIRED. Subsection 106.2, Permits not required, of the IMC, is hereby amended by adding the following #9 to said subsection:

Subsection 106.2 Permits not required 9. Replacement or relocation of existing house ventilation fans, bathroom exhaust, dryer vents, window air conditioners and extension of existing supply and return ductwork.

155C.10 SUBSECTION 106.4.3 AMENDED - - EXPIRATION. Subsection 106.4.3 Expiration, of the IMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.4.3 12 Month Expiration. Every permit issued under the provisions of this Code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by Resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

155C.11 SUBSECTION 106.5.2 AMENDED - - SCHEDULE OF PERMIT FEES. Subsection 106.5.2 Fee schedule, of the IMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.2 Fee schedule. Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Granger. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

155C.12 SUBSECTION 106.5.3 AMENDED- - FEE REFUNDS. Subsection 106.5.3, Fee refunds, of the IMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.3 Fee refunds. The Code Official is authorized to establish a refund policy.

155C.13 SUBSECTION 108.4 AMENDED - - VIOLATION PENALTIES. Subsection 108.4, Violation penalties, of the IMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs mechanical work in violation of the approved construction documents or directive of the Code Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

155C.14 SUBSECTION 108.5 AMENDED - - STOP WORK ORDER. Subsection 108.5, Stop Work Orders, of the IMC, is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

155C.15 SUBSECTION 1107.2 AMENDED - - REFRIGERANT PIPING.

Subsection 1107.2, Refrigerant piping, of the IMC, is hereby amended by deleting the last sentence thereto.

(Ch. 155C – Ord. 315 – Dec. 14 Supp.)

CHAPTER 155D

FUEL GAS CODE

Section Number	Title	IFGC Section
155D.01	Short Title	
155D.02	Adoption of Fuel Gas Code	
155D.03	Amendments, modification, additions and deletions	
155D.04	Deletions	
155D.05	Conflicts	
155D.06	Title	101.1
155D.07	General (Building & Zoning Administrator)	103.1
155D.08	Permit Acquisition	106.1.1
155D.09	Expiration	106.5.3
155D.10	Retention of Construction Documents	106.5.6
155D.11	Fee Schedule	106.6.2
155D.12	Fee Refunds	106.6.3
155D.13	Violation Penalties	108.4
155D.14	Stop Work Orders	108.5
155D.15	Metallic Piping Joints and Fittings (welded)	403.10

155D.01 SHORT TITLE. This chapter shall be known as the Granger Fuel Gas Code, and may be cited as such, and may be referred to herein as this chapter.

155D.02 ADOPTION OF FUEL GAS CODE. The *International Fuel Gas Code 2012 Edition*; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Fuel Gas Code 2012 Edition*, as adopted and a copy of this chapter are on file in the office of the City Clerk.

155D.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Fuel Gas Code, 2012 Edition* (hereinafter known as the IFGC), is amended as hereinafter set out in Sections 181.04 through 181.15.

155D.04 DELETIONS. The following are deleted from the IFGC and are of no force or effect in this chapter:

Section 106.5.4 Extensions, Section 109 Means of Appeal.

155D.05 REFERENCED CODES - - CONFLICTS. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

155D.06 SUBSECTION 101.1 AMENDED - - TITLE. Subsection 101.1, Title, of the IFGC, is hereby deleted and there is enacted in lieu thereof the following subsection:

Subsection 101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Granger, hereinafter known as “this code.”

155D.07 SUBSECTION 103.1 ADDITION - - GENERAL. Subsections 103.1, General, of the IFGC, is hereby amended by adding the following paragraph to said subsection:

Subsection 103.1 Building and Zoning Administrator. The term Code Official is intended to also mean the Building Official and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official.

155D.08 SUBSECTION 106.1.1 ADDITION - - PERMIT ACQUISITION. Subsection 106.1.1 Permit acquisition, of the IFGC, is hereby established by adding the following:

Subsection 106.1.1 Permit acquisition.

1. Permits are not transferable. Fuel Gas work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board in accordance with Iowa Code Chapter 105. A responsible person or mechanical professional licensed by the State of Iowa Plumbing and Mechanical Systems Board as a “Master” may sign and obtain a permit for the contractor for which they are employed only when said responsible person or “Master” has provided proof of employment or written confirmation by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Code Official upon the violation of any provision of this code.
2. A State of Iowa licensed Mechanical contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed Mechanical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 105 shall perform the work for which the permit was obtained.
3. For purposes of this section, an “employee” shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.
4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.

155D.09 SUBSECTION 106.5.3 AMENDED - - EXPIRATION. Subsection 106.5.3 Expiration, of the IFGC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.3 12 Month Expiration. Every permit issued under the provisions of this Code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the

expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by Resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

155D.10 SUBSECTION 106.5.6 AMENDED - - RETENTION OF CONSTRUCTION DOCUMENTS. Subsection 106.5.6, Retention of construction documents, of the IFGC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.6 Retention of Construction Documents. One set of construction documents shall be retained by the Code Official until final approval of the work covered therein.

155D.11 SUBSECTION 106.6.2 AMENDED - - FEE SCHEDULE. Subsection 106.6.2 Fee schedule, of the IFGC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.6.2 Fee schedule. Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Granger. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

155D.12 SUBSECTION 106.6.3 AMENDED- - FEE REFUNDS. Subsection 106.6.3, Fee refunds, of the IFGC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.6.3 Fee refunds. The Code Official is authorized to establish a refund policy.

155D.13 SUBSECTION 108.4 AMENDED - - VIOLATION PENALTIES. Subsection 108.4, Violation penalties, of the IFGC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs Fuel Gas work in violation of the approved construction documents or directive of the Code Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

155D.14 SUBSECTION 108.5 AMENDED - - STOP WORK ORDER. Subsection 108.5, Stop Work orders, of the IFGC, is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

Subsection 108.5 Stop Work. Order Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

155D.15 SUBSECTION 403.10 ADDITION - - METALLIC PIPING JOINTS AND FITTINGS. Subsection 403.10.1, Pipe joints, of the IFGC, is hereby amended by adding a new subsection as follows:

Subsection 403.10.1.1 Welded Pipe Joints. All joints of wrought iron or steel gas piping larger than two-inch (2") standard iron pipe size and providing gas pressure of two (2) PSIG or greater shall be welded steel. All welded joints shall comply with the State of Iowa requirements and work shall be performed by certified welders.

(Ch. 155D – Ord. 316 – Dec. 14 Supp.)

CHAPTER 155E

ELECTRICAL CODE

Section Number	Title	NEC Section
155E.01	Short Title	
155E.02	Adoption of Electrical Code	
155E.03	Amendments, modification, additions and deletions	
155E.04	Conflicts	
155E.05	Deletions	
155E.06	Title	
155E.07	Creation of Enforcement Agency	
155E.08	Scope - - Permits required	90.2 - - (A) (5)
155E.09	Permit acquisition	90.2.1
155E.10	Permit Expiration	
155E.11	Schedule of Permit Fees	
155E.12	Fee Refunds	
155E.13	Stop Work Order	
155E.14	Ground Fault Circuit-Interrupter Protection for Personnel	210.8
155E.15	Lighting Loads For Specified Occupancies	220.12

155E.01 SHORT TITLE. This chapter shall be known as the Granger Electrical Code, and may be cited as such, and may be referred to herein as this chapter.

155E.02 ADOPTION OF ELECTRICAL CODE. The *National Electric Code 2014 Edition*; published by the National Fire Protection Association (NFPA 70), is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *National Electric Code 2014 Edition*, as adopted and a copy of this chapter are on file in the office of the City Clerk.

155E.03 AMENDMENTS, MODIFICATION, ADDITIONS. The *National Electric Code, 2014 Edition* (hereinafter known as the NEC), is amended as hereinafter set out in Sections 155E.04 through 155E.15.

155E.04 REFERENCED CODES - - CONFLICTS. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

155E.05 DELETIONS. The following are deleted from the NEC and are of no force or effect in this chapter:

- Section 210.12B Branch Circuit Extensions or Modifications - Dwelling Units
- Section 406.4(d)(4) Arc Fault Circuit-Interrupter Protection

155E.06 ADDITION - - TITLE. Title, of the NEC is hereby established by adding the following:

Title. These regulations shall be known as the Granger Electrical Code hereinafter known as “this code.”

155E.07 ADDITION - - CREATION OF ENFORCEMENT AGENCY.

Creation of enforcement Agency, of the NEC, is hereby established by adding the following:

Building and Zoning Administrator. The term Electrical Code Official is intended to also mean the Building Official and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official.

155E.08 ARTICLE 90.2 AMENDED - - SCOPE (A) COVERED. (PERMITS REQUIRED). Permits required, of the NEC is hereby established by adding the following subcategory (A) (5) and exceptions:

Permits Required. Permits shall be required for work contained within the scope of this article.

Exceptions:

1. Replacement of lighting fixtures, receptacles, switches, overcurrent protection devices of the same volt and amperage.
2. The repair or replacement of flexible cords of same volt and amperage.
3. The process of manufacturing, testing, servicing, or repairing of electrical equipment or apparatus.
4. No permit or inspections are required for electrical wiring of 50 volts or less

155E.09 ARTICLE 90.2.1 ADDITION - - PERMIT ACQUISITION. Permit acquisition, of the NEC, is hereby established by adding the following article:Article 90.2.1 Permit acquisition

1. Permits are not transferable. Electrical work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the Iowa Electrical Examining Board in accordance with Iowa Code Chapter 103. A responsible person or an electrician licensed by the State of Iowa Electrical Examining board as a "Master A or B" may sign and obtain a permit for the contractor for which they are employed only when said responsible person or "Master A or B" has provided proof of employment or written confirmation by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Building Official upon the violation of any provision of this code.
2. A State of Iowa licensed Electrical Contractor or Residential Contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed Electrical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 103 shall perform the work for which the permit was obtained.
3. For purposes of this section, an "employee" shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Electrical Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.
4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the

actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.

5. Homeowners (owner/occupants) qualifying for the homestead tax exemption may acquire permits for their principal residence (not an apartment or rental unit or rental building) and appurtenant accessory structures for electrical work, not to include dwelling service upgrade or replacement.

155E.10 ADDITION - - PERMIT EXPIRATION. Permit Expiration, of the NEC is hereby established by adding the following:

12 Month Expiration. Every permit issued under the provisions of this Code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the building official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by Resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

155E.11 ADDITION - - SCHEDULE OF PERMIT FEES. Schedule of permit fees, of the NEC is hereby established by adding the following:

Schedule of permit fees. Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Granger. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

155E.12 ADDITION - - FEE REFUNDS. Fee refunds, of the NEC is hereby established by adding the following:

Fee refunds. The Electrical Code Official is authorized to establish a refund policy in accordance with City policy.

155E.13 ADDITION - - STOP WORK ORDER. Stop work order of the NEC is hereby established by adding the following sections:

Stop Work Order.

Authority. Whenever the Building Official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Building Official is authorized to issue a stop work order.

Issuance. The stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Where an emergency exists the Building Official shall not be required to give notice prior to stopping the work.

155E.14 ARTICLE 210.8 AMENDED - - GROUND FAULT CIRCUIT-INTERRUPTER PROTECTION FOR PERSONNEL. Article 210.8, Ground Fault Circuit-Interrupter Protection for Personnel, of the NEC is hereby amended by adding the following exceptions:

Article 210.8 (A) Dwelling Units (2). Garages, and also accessory buildings that have a floor located at or below grade not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.

Exception No. 1 to (2): Receptacles that are not readily accessible.

Exception No. 2 to (2): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).

Note: Receptacles installed under the exceptions to 210.8(A)(2) shall not be considered as meeting the requirements of 210.52(G).

Article 210.8 (A) Dwelling Units (5) Unfinished basements – for purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like.

Exception No. 2 to (5): Receptacles that are not readily accessible.

Exception No. 3 to (5): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).

Note: Receptacles installed under the exceptions to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).

155E.15 ARTICLE 220.12 AMENDED - - LIGHTING LOADS FOR SPECIFIED OCCUPANCIES. Article 220.12, Lighting Loads For Specified Occupancies, of the NEC is hereby amended by deleting the exception and subsections and inserting in lieu thereof the following exception:

Exception: Where the building is designed and constructed to comply with an energy code adopted by the local authority, the lighting load shall be permitted to be calculated at the values specified in the energy code.

(Ch. 155E – Ord. 338 – Dec. 15 Supp.)

CHAPTER 156

FIRE CODE

Section Number	Title	IFC Section
156.01	Short Title	
156.02	Adoption of Fire Code	
156.03	Amendments, modifications, additions and deletions	
156.04	Deletions	
156.05	Amendments, Modifications, Additions and Deletions	
156.06	Title	101.1
156.07	General	103.1
156.08	Appointment	103.2
156.09	Types Of Permits	105.1.2
156.10	Work Commencing Before Permit Issuance	113.3
156.11	Open Flame Cooking Devices	308.1.4
156.12	Key Boxes - - Installation Requirements	506.3
156.13	Where Required (fire hydrant spacing)	507.5.1
156.14	Single and Multiple-station smoke alarms	907.2.11
156.15	Fire Department Connections	912.1.1
156.16	Continuity and Components	1007.2 #11
156.17	Doors (frost protection)	1008.1.6.1
156.18	Handrails (elevation/#risers)	1009.15
156.19	Continuity (handrails)	1012.4
156.20	Access to Public Way	1027.5.1
156.21	Maximum Height From Floor (emergency escape and rescue)	1029.3 (exc)
156.22	Window Wells	1029.5.3
156.23	Fire Safety and Means of Egress Requirements For Existing Buildings – Multi-Family Rental Dwelling units and Buildings – Effective Date	Chapter 11
156.24	Above ground Outside Flammable/Combustible Storage (District Limits)	5704.1
156.25	Bulk plants Or Terminals Not Allowed	5706.4.0
156.26	Liquefied Petroleum Gas (District Limit)	6104.2.1

156.01 SHORT TITLE. This chapter shall be known as the Granger Fire Code, and may be cited as such, and may be referred to herein as this chapter.

156.02 ADOPTION OF FIRE CODE. The *International Fire Code 2012 Edition*, published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Fire Code 2012 Edition*, as adopted, and a copy of this chapter are on file in the office of the City Clerk.

156.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Fire Code, 2012 Edition* (hereinafter known as the IFC), is amended as hereinafter set out in Sections 156.04 through 156.26.

156.04 DELETIONS. The following are deleted from the IFC and are of no force or effect in this chapter:

Subsection 102.6 Historic buildings, Section 108 Board of Appeals.

156.05 REFERENCED CODES - - AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The remaining sections in this chapter represent amendments to the requirements contained in the IFC. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

156.06 SUBSECTION 101.1 AMENDED - - TITLE. Subsection 101.1, Title, of the IFC, is hereby deleted and there is enacted in lieu thereof the following section:

Subsection 101.1 Title. These regulations shall be known as the Granger Fire Code, hereinafter known as “this code.”

156.07 SUBSECTION 103.1 ADDITION - - GENERAL. Subsection 103.1, General, of the IFC, is hereby amended by adding the following paragraph to said subsection:

Subsection 103.1 Building Official and Zoning Administrator. The term Fire Code Official is intended to also mean the Building Official and Zoning Administrator and shall hereinafter be referred to as Code Official and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official.

156.08 SUBSECTION 103.2 ADDITION - - APPOINTMENT. Subsection 103.2, Appointment, of the IFC, is hereby amended by adding the following paragraph to said subsection:

Subsection 103.2 – Building Official and Zoning Administrator. There are also hereby established the positions of Building Official and Zoning Administrator, who shall be appointed by the Council. The Building Official and Zoning Administrator shall have authority to file a complaint in any court of competent jurisdiction charging a person with the violation of this title. The Building Official and Zoning Administrator shall have whatever additional duties the Council may prescribe.

156.09 SUBSECTION 105.1.2 ADDITION - - TYPES OF PERMITS. Subsection 105.1.2, Types of Permits, of the IFC, is hereby amended by adding the following paragraphs to said subsection:

Subsection 105.1.2 Certificate of Occupancy. A certificate of occupancy issued pursuant to provisions of the *International Building Code* may be assumed to comply with Section 1. Operational Permit.

Subsection 105.1.2 Other Permits. Building, Mechanical, Electrical and Plumbing permits issued pursuant to provisions of their respective codes may be assumed to comply with Section 2. Construction Permit.

156.10 SUBSECTION 113.3 ADDITION - - WORK COMMENCING BEFORE PERMIT ISSUANCE. Subsection 113.3, Work Commencing Before Permit Issuance, of the IFC, is hereby amended by adding the following sentence after said subsection:

Subsection 113.3 Work commencing before permit issuance. Said fee shall be 100 percent of the usual permit fee in addition to the required permit fees.

156.11 SUBSECTION 308.1.4 AMENDED - - OPEN FLAME COOKING DEVICES. Subsection 308.1.4, Open Flame Cooking Devices, of the IFC, is hereby amended by deleting exception 3 and inserting in lieu thereof the following:

Subsection 308.1.4 Open Flame Cooking Devices exception 3. LP-cooking devices having an LP-gas container with a water capacity greater than 47.7 pounds (nominal 20 pound LP gas capacity) shall not be located on combustible balconies, decks or within 10 feet of any combustible construction.

156.12 SECTION 506 ADDITION - - KEY BOXES (INSTALLATION REQUIREMENTS). Section 506, Key Boxes, of the IFC, is hereby amended by adding a new subsection as follows:

Subsection 506.3 – Key Box Installation Requirements. Buildings provided with an alarm system or a sprinkler system shall be provided with a key box at the front of the building typically adjacent to the main front door(s) at a height of five feet above grade or at a location as directed by the Code Official.

156.13 SUBSECTION 507.5 AMENDED - - WHERE REQUIRED (FIRE HYDRANT SPACING). Subsection 507.5.1, Where Required, of the IFC, is hereby amended by deleting said subsection, including exceptions, and inserting in lieu thereof the following subsection and exception:

Subsection 507.5.1 – Where required (fire hydrant spacing). Locate at street intersections or as approved by City subject to the following spacing:

507.5.1.1 Residential: 400 foot; maximum coverage: 86,000 SF.

507.5.1.2 Commercial: 400 foot; maximum coverage: 86,000 SF.

507.5.1.3 No part of a proposed single family dwelling or duplex shall be more than 250 feet from a hydrant unless said building is sprinklered.

507.5.1.4 No part of a multi-family, commercial or industrial building shall be more than 200 feet from a fire hydrant unless said building is fully sprinklered.

Subsection 507.5.1 – Where required (fire hydrant spacing) exception. For Group R-3 and Group U occupancies and for buildings equipped with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 the distance requirements may be modified when approved by the Code Official.

156.14 SUBSECTION 907.2.11 AMENDED - - SINGLE AND MULTIPLE-STATION SMOKE ALARMS. Subsection 907.2.11, Single and Multiple-station smoke alarms, of the IFC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 907.2.11 Single and Multiple-station smoke alarms. Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with provisions of this code and the household fire warning equipment

provision of NFPA 72. Smoke alarms shall be addressable with sounder bases and tied into the building fire alarm system as a supervisory signal only. Mini horns are not required if notification from a building fire alarm system is through the smoke alarms with sounder bases.

156.15 SECTION 912 ADDITION - - FIRE DEPARTMENT CONNECTIONS.

Section 912, Fire department connections, of the IFC, is hereby amended by adding a new subsection and exception as follows:

Subsection 912.1.1 Storz fire department connection. The fire department connection(s) shall be a five-inch (5") Storz type connector(s) compatible with the hose couplings currently used by the Granger Fire Department.

Subsection 912.1.1 Storz fire department connection exception 1. A fire department connection having the standard internal threaded swivel fittings of 2 1/2 inches NST may be substituted for the five-inch Storz connection with the approval of the Code Official where system pressures may exceed hose test pressure or water supply could require an extensive hose lay to the structure.

156.16 SUBSECTION 1007.2 ADDITION - - CONTINUITY AND COMPONENTS. Subsection 1007.2, Continuity and Components, Of the IFC, is hereby amended by adding the following #11 to said subsection:

Subsection 1007.2 Continuity and Components #11. Components of exterior walking surfaces shall be hard surfaced.

156.17 SUBSECTION 1008.1 ADDITION - - DOORS. Subsection 1008.1, Doors, of the IFC, is hereby amended by adding a new subsection as follows:

Subsection 1008.1.6.1 Frost protection. Exterior landings at doors shall be provided with frost protection.

156.18 SUBSECTION 1009.15 ADDITION - - HANDRAILS. Subsection 1009.15, Handrails, of the IFC is hereby amended by adding the following exception:

Subsection 1009.15 Handrails exception 6. Changes in elevation of four or more risers within individual units of Group R-2 and R-3 occupancies require a handrail on at least one side.

156.19 SUBSECTION 1012.4 ADDITION - - (HANDRAIL) CONTINUITY. Subsection 1012.4, Continuity, of the IFC, is hereby amended by adding the following exception:

Subsection 1012.4 Continuity exception 5. Handrails within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

156.20 SUBSECTION 1027.5 ADDITION - - ACCESS TO A PUBLIC WAY.

Subsection 1027.5, Access to a Public Way, of the IFC, is hereby amended by adding the following subsection:

Subsection 1027.5.1 Access to a Public Way. Components of exterior walking surfaces shall be hard surfaced.

156.21 SUBSECTION 1029.3 AMENDED - - (EMERGENCY ESCAPE AND RESCUE) MAXIMUM HEIGHT FROM FLOOR. Subsection 1029.3, Maximum Height From Floor, of the IFC, is hereby amended by adding the following exception:

Subsection 1029.3.1 Maximum height from floor. Within individual units of Group R-2 and R-3 occupancies where a window is provided as a means of escape and rescue opening from a basement it shall have a sill height of not more than 44 inches above the floor or landing. Where a landing is provided the landing shall be not less than 36 inches wide, not less than 18 inches out from the exterior wall, and not more than 24 inches in height. The landing shall be permanently affixed to the floor below and the wall under the openable area of the window it serves.

156.22 SUBSECTION 1029.5 ADDITION - - WINDOW WELLS. Subsection 1029.5, Window wells, of the IFC, is hereby amended by adding a new subsection as follows:

Subsection 1029.5.3 Window well drainage. All window wells shall be provided with approved drainage.

156.23 CHAPTER 11 AMENDED - - FIRE SAFETY AND MEANS OF EGRESS REQUIREMENTS FOR EXISTING BUILDINGS. Chapter 11, Construction Requirements For Existing Buildings, of the IFC, is hereby amended by adding the following subsections and an effective date for these requirements in multi-family residential buildings including rental dwelling units as follows:

Subsection 1103.7.6.1 Manual Fire Alarms, Group R-2, Including Existing Multi-Family Rental Dwelling Units and Buildings - effective July 1, 2015, a manual fire alarm system shall be installed in buildings with more than 16 units in accordance with subsection 1103.7.6 of the IFC and for rental dwelling units and buildings shall be confirmed no later than the next rental registration renewal inspection thereafter, if required by the City.

Subsection 1103.9.1 Carbon Monoxide Alarms, Group R-2, Including Existing Multi-Family Rental Dwelling Units and Buildings - effective July 1, 2015, carbon monoxide alarms shall be installed in accordance with subsection 1103.9 of the IFC and for rental dwelling units and buildings shall be confirmed no later than the next rental registration renewal inspection thereafter, if required by the City.

Subsection 1104.3.1 Exit Sign Illumination, Group R-2, Including Existing Multi-Family Rental Dwelling Units and Buildings - effective July 1, 2015, exit sign illumination shall be installed in accordance with subsections 1104.3 and 1104.4 of the IFC and for rental dwelling units and buildings shall be confirmed no later than the next rental registration renewal inspection thereafter, if required by the City.

Subsection 1104.5 #8.1 Illumination Emergency Power, Group R-2, Including Existing Multi-Family Rental Dwelling Units and Buildings – effective July 1, 2015, illumination emergency power shall be installed in accordance with subsection 1104.3 of the IFC and for rental dwelling units and buildings shall be confirmed no later than the next rental registration renewal inspection thereafter, if required by the City.

156.24 SECTION 5704 ADDITION - - STORAGE (TANKS) - - STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS - - DISTRICT LIMITS. Section 5704 Storage, of the IFC, is hereby amended by adding a new subsection as follows:

Subsection 5704.1.1 - Storage of flammable or combustible liquids in outside aboveground tanks - District Limits. Storage of flammable or combustible liquids in outside aboveground tanks is prohibited in all zoning districts except the M-1 zone; provided, however, that such storage in the M-1 zone shall be limited as follows:

A. In an M-1 zoning district the maximum liquid storage capacity for any one tank shall be five hundred fifty gallons and the maximum aggregate liquid storage capacity of all tanks at any one site shall be one thousand one hundred gallons. All storage tank installations permitted under this subsection shall be limited to rear yards of the property on which such tanks are installed and shall be screened from public view; further, all such installations shall be subject to prior site plan review and approval by the Plan and Zoning Commission.

B. All storage tank installations otherwise permitted under subsection A of this section shall be in conformance with the National Fire Protection Association, the *International Fire Code* and all other applicable federal, state and municipal statutes, rules and regulations.

156.25 SUBSECTION 5706.4 AMENDED - - BULK PLANTS OR TERMINALS - MAXIMUM CAPACITY WITHIN ESTABLISHED LIMITS (BULK PLANTS NOT ALLOWED). Subsection 5706.4, Bulk plants or terminals, of the IFC, is hereby amended by adding a new subsection as follows:

5706.4.0 Bulk Plants. For the purposes of Sections 1 through 3, "bulk plants" means that portion of the property where refined flammable or combustible liquids are received by tank, vessel, pipeline, tank car or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids in tank, vessel, pipeline, tank car or tank vehicle or container.

(1) Location of bulk plants with aboveground storage facilities. No new bulk plant with aboveground storage facilities shall be constructed within the city; except in the case that the facility is located on property owned by the City of Granger.

(2) Location of bulk plants with underground storage facilities. No new bulk plant with underground storage facilities shall be constructed within any zoning district in the city except in the M-1 zoning district.

(3) Existing bulk plants--Subject to provisions. Any bulk plant which is in operation prior to adoption of this ordinance, may continue to remain in operation so long as it remains otherwise lawful, subject to the following provisions:

(A) No such bulk plant may be enlarged or altered in a way which would increase its storage capacity unless such additional storage capacity is installed underground.

(B) Should any of the storage facilities be destroyed by any means, the same may be rebuilt, providing that such storage facilities are installed underground.

156.26 SUBSECTION 6104.2 ADDITION - - MAXIMUM CAPACITY WITHIN ESTABLISHED LIMITS. Subsection 6104.2 Maximum capacity within established limits, of the IFC, is hereby amended by adding a new subsection as follows:

Subsection 6104.2.1 Bulk storage of liquefied petroleum gases. Bulk storage of liquefied petroleum gas shall be allowed only in the C-2 and M-1 zoning districts.

(Ch. 156 – Ord. 312 – Dec. 14 Supp.)

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CHAPTER 158

SITE PLANS AND ARCHITECTURAL STANDARDS

158.01 Site Plans	158.07 Architectural Plans
158.02 Statement of Intent	158.08 Architectural Standards
158.03 Design Standards	158.09 Amendments to Approved Site Plans
158.04 Submittal and Review Procedure	158.10 Additional Requirements
158.05 Site Plan Information	158.11 Expiration of Approval
158.06 Multiple-Family Dwelling and Townhome Standards	158.12 Fee for Site Plan Review

158.01 SITE PLANS. Site Plans are required whenever the owner of any property in the City undertakes new construction, reconstruction, expands an existing building by twenty or more percent of the area of the existing building, or remodels an existing building with a building permit value of \$25,000 or more (collectively “improvements” or “development”), except for the construction of single-family and two-family homes on existing platted lots. Site Plans are required for multiple-family dwellings and townhomes. As a part of the submittal of a Site Plan, architectural plans also shall be submitted for the development or redevelopment of any property within the City. Single-family residences, two-family residences, three-family residences, and all agricultural outbuildings are, however, exempt from the architectural standards established in this chapter and from the requirement to submit architectural plans.

158.02 STATEMENT OF INTENT. It is the intent and purpose of this chapter to establish a procedure which will enable the City to review certain proposed improvements to and development of property. The Site Plan shall be designed to reflect consideration for: (a) impacts to existing and proposed developments surrounding the site; (b) impact on public rights-of-way, utilities, facilities and services; and (c) impact to existing on-site conditions. Further, in the interest of promoting the general welfare of the community and to protect the value of buildings and property, the image and character of a community is considered important. It is recognized that the community should be visually attractive, and the manner in which a use is accomplished is as important as the use. The quality of architecture, building construction and building materials is important to the preservation and enhancement of building and property values, prevention of the physical deterioration of buildings, the promotion of the image of the community, and the general welfare of its citizens.

158.03 DESIGN STANDARDS. Site Plans shall reflect the following standards of design which are necessary to insure the orderly and harmonious development of property in such manner as will safeguard property values and the public’s health, safety and general welfare:

1. The design of the proposed improvements shall make adequate provisions for surface and subsurface drainage, for connections to water and sanitary sewer lines, each so designed as to neither overload existing public utility lines nor increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property.
2. The proposed development shall be designed with a proper regard to topography, surface drainage, natural drains and streams, wooded area, and other natural features which will lend themselves to proper, harmonious and attractive development of the site.
3. The proposed improvements shall be designed and located within the property in such manner as not to unduly diminish or impair the use and enjoyment of adjoining property, and to this end shall minimize the adverse effects on such adjoining property from automobile headlights, illumination of required perimeter yards, refuse containers, and impairment of light and air. Lighting, and its impact on adjacent property, shall be shown on the Site Plan. For the purpose of this section, the term "use and enjoyment of adjoining property" means the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term "use and enjoyment of adjoining property" means those uses permitted under the zoning districts in which such adjoining property is located.
4. The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation pattern as will not unduly increase congestion on adjacent or surrounding public streets. Public streets are required in all multiple-family and townhouse developments. Any proposed development which will include a loading dock or truck entrance facing an exterior street must, as a part of the Site Plan approval process, conform to any and all requirements which may be established by the City with respect to the location of such loading dock or truck entrance.
5. The proposed development shall have such buffers, screen fences and landscaping and shall be designed, and the buildings and improvements located, in such a manner as to not unduly diminish or impair the use and enjoyment of adjoining or surrounding property. Buffers are required to minimize the impact of automobile headlights on adjacent non-commercial property.
6. The proposed development shall not duly increase the public danger of fire or diminish the public safety, and shall be designed to adequately safeguard the health, safety and general welfare of the public and of persons residing and working in the development and in the adjoining or surrounding property.

7. The proposed development shall utilize storm water management to limit the release from any site to no more than a five-year undeveloped release rate.

8. The proposed development shall conform to all applicable provisions of the Code of Iowa, as amended, and all applicable provisions of the Code of Ordinances, as amended.

158.04 SUBMITTAL AND REVIEW PROCEDURE. Site Plans shall be submitted to the City for review and approval.

1. One copy of the Site Plan (including an architectural plan, if required) shall be submitted to the Clerk, and two copies shall be submitted to the City Engineer, who shall refer the Site Plan to the Plan and Zoning Commission for comment and recommendation prior to action by the Council. A Site Plan must be submitted no later than 3:00 p.m. of the Monday of the week prior to a meeting of the Plan and Zoning Commission. Prior to an official submittal of a Site Plan for review by the Plan and Zoning Commission, an applicant may submit a concept and site plan for initial review by the City Engineer for comment.

2. The Clerk may refer the Site Plan to appropriate City departments and officials for their review and comment regarding the Site Plan's compliance with this Code of Ordinances, and its effects upon the City's municipal utilities and public street system. Any comments by any department or official will be forwarded to the Plan and Zoning Commission.

3. The Plan and Zoning Commission shall, after receiving a report from the City Engineer, review the Site Plan for conformity with the regulations and design and architectural standards of this chapter, and may confer with the applicant on changes deemed advisable in the Site Plan.

4. The Plan and Zoning Commission shall forward its recommendation to the City Council for approval, modification or disapproval of the Site Plan within forty-five (45) days of the date of the submission of the Site Plan.

5. The Plan and Zoning Commission may, in its discretion, hold a public hearing on the Site Plan and prescribe the notice thereof and to whom such notice shall be given.

6. Upon receipt of the recommendations of the Plan and Zoning Commission or, if no recommendations are received within forty-five (45) days of the referral to the Commission, the Council shall proceed

with its action on the Site Plan. The Council may approve the Site Plan, approve the Site Plan with modifications, or disapprove the Site Plan.

7. No building permit for any structure for which a Site Plan is required shall be issued until the Site Plan has been approved by the Council.

158.05 SITE PLAN INFORMATION. The purpose of the Site Plan is to show all information needed to enable the City Engineer, City staff, the Plan and Zoning Commission, and the Council to determine if the proposed development meets the requirements of this chapter and other provisions of this Code of Ordinances.

1. Information Required. The Site Plan shall include the following information concerning the proposed development:

A. Names of all persons having an interest in the property, legal description of property, point of compass, scale and date.

B. Applicant's name, address, project location, proposed land use and present zoning, location and names of adjoining subdivisions, the numbers of the adjoining lots therein and the names and addresses of adjoining landowners.

C. If the applicant is other than the legal owner, the applicant's interest shall be stated.

D. Name and address of persons who prepared the Site Plan.

2. Required Illustrations. The Site Plan shall clearly set forth the following information concerning the proposed development.

A. Property boundary lines, dimensions, and total area of the proposed development.

B. Existing and proposed contour lines of the proposed development and fifty (50) feet beyond the boundaries of the proposed development at intervals of not more than two (2) feet. If substantial topographic change is proposed, the existing topography of the development and of the surrounding area shall be illustrated on a separate map, and the proposed finished topography shown on the Site Plan.

C. The availability, location, size and capacity of existing utilities, and of proposed utilities.

D. The proposed use of building materials, location, size, height, shape, use, elevation, building sign type, and illustration of all buildings or structures in the proposed development.

- E. The total square footage of building floor area, both individually and collectively in the proposed development.
- F. Existing buildings, rights-of-way, public sidewalks, street improvements, utility easements, drainage courses, streams and wooded areas.
- G. The number of dwelling units, offices, etc., planned for the site.
- H. A vicinity sketch showing adjacent existing land uses within 500 feet of the property.
- I. Location, number, dimensions and design of off-street parking in the proposed development, including:
 - (1) Driveways, islands, and planters.
 - (2) Striping and curbs.
 - (3) Loading facilities.
 - (4) Type and location of lighting.
 - (5) Surface treatment.
- J. Open spaces, yards, recreational areas, public sidewalks, walkways, driveways, outside lighting, walls, fences, monuments, statues, and other man-made features to be used in the landscape of the proposed development.
- K. Facilities for the collection and disposal of garbage and trash, and screening structures.
- L. Walls, fences or other artificial screens to be used as buffers shall be shown in elevation and perspective with proposed height and structural material indicated.
- M. A Site Lighting plan shall be provided, indicating the location, type, fixture height, power rating and shielding method of all existing and proposed lighting. A photometric plan shall be provided that details the horizontal illumination of the site and the vertical light trespass along the perimeter of the site.
- N. Storm Water Management Plan shall be provided which shall include calculations of detention sizing and release rate control facilities. Additionally, the Site Plan shall include plans for storm drainage facilities prepared by a Civil Engineer registered in the State of Iowa. Such facilities shall be designed to convey drainage through the property equivalent to the 100-year storm in a developed state. On-site drainage facilities shall

be designed to provide sufficient detention facilities to reduce the release rate to the equivalent of a 5-year recurrence interval storm when the property was in a undeveloped state. The storm drainage facilities shall be extended as far as necessary to accommodate footing drain water discharge and to serve adjacent tributary properties. Upon request by the applicant, and on a case-by-case basis, the City Engineer may, either before or following formal submission, waive the requirement to submit a Storm Water Management Plan in the event the City Engineer determines the proposed development does not adversely impact the City's stormwater management plan. (*Ord. 261 – Dec. 08 Supp.*)

O. Traffic considerations or utility capacities and all other considerations pertinent to the proposed use may be requested for illustration or statistical purposes.

P. Free standing identification sign(s); location, setback, dimensions, height and illustration.

Q. Location and type of all plants, trees, ground cover to be used in the landscape. Landscaping to be used for screening purposes shall be illustrated with the size and exact names of plants, shrubs or trees to be planted clearly indicated. The planting location shall not adversely affect utility easements or service lines. On all Site Plans the following requirements shall be met:

(1) Implementation. The landscaping plan shall be submitted for approval as part of Site Plan submittal. The landscaping plan is to show the following information:

- (a) Location of trees and shrubs.
- (b) Size and species of trees and shrubs.
- © Number of each size and species of trees and shrubs.
- (d) Type of ground cover and form of erosion control.

(2) Approval of Landscaping. Landscaping is to be in place at the time an occupancy permit is approved. Should completion of landscaping be delayed because of the season of the year, a temporary occupancy permit may be issued if the developer posts a bond or other acceptable guarantee in the amount of the landscaping as completed. When filing a Site Plan, a developer may submit a list of

alternate or substitute species from the permitted or established list to be used should the preferred material not be available when needed and required.

(3) Maintenance. All landscaping, buffering and screening shall be maintained at all times to conform to the regulations established in this chapter. Landscaping which is not maintained in a manner consistent with this chapter shall be replaced, as follows:

(a) Replacement includes, but is not limited to replacing plants damaged by insects, soil conditions, disease, vehicular traffic, vandalism and acts of God.

(b) Required landscaping shall be replaced with equivalent vegetation if it is not living within one year of a Certificate of Occupancy.

© Existing landscaping which was preserved shall be replaced with new landscaping if it is not living within two years of a Certificate of Occupancy being issued.

(d) Landscaping as part of a buffer shall be maintained as long as the buffer is required by this chapter or this Code of Ordinances.

(e) Replacement landscaping shall be installed within thirty (30) days following notification by the Building Official that a violation of this chapter has occurred, or proper guarantees provided.

R. Such additional information, drawings or other materials necessary to describe a proposed project as may be requested by the City Engineer or Plan and Zoning Commission.

158.06 MULTIPLE-FAMILY DWELLING AND TOWNHOME STANDARDS. Multiple-family and townhome projects shall be designed in compliance with certain standards which shall be set forth in the presentation of the Site Plan.

1. The Site Plan shall provide one and one-half (1.5) parking stalls for each dwelling unit located in driveways and dedicated parking lot areas, exclusive of parking provided in garages. The parking stall requirement must be satisfied with no on-street parking.

2. The Site Plan must provide a distance of at least 23 feet from the property side of any sidewalk to any garage face.
3. Unless otherwise approved, all streets within multiple-family and townhome Site Plans shall be public streets with at least the minimum required right-of-way width.
4. Sidewalks shall be required along both sides of all streets unless an alternate pedestrian access plan is approved that provides access to all residential dwelling units.

158.07 ARCHITECTURAL PLANS. Architectural plans for buildings (other than a single-family residence, two-family residence, three-family residence, or any agricultural outbuilding) shall be submitted simultaneously with the Site Plan. Architectural plan documentation that must be submitted includes: (a) building elevations indicating the building design and a description of the structural elements; (b) a colored visual depiction; and (c) a description and percentage calculation of the primary or predominant exterior construction materials and trim to be used. A material board shall also be submitted to the City Engineer prior to consideration by the Plan and Zoning Commission.

158.08 ARCHITECTURAL STANDARDS. The standards outlined in this section shall be utilized in all reviews of architectural plans.

1. Primary Exterior Material of Structures Subject to Architectural Standards. Building architectural design shall recognize the importance of material strength and permanency through the selection of building materials. The primary exterior building material, less glass, shall constitute at least seventy-five percent (75%) of each façade area to which these standards apply. The primary exterior material shall consist of a combination of brick, architectural concrete panels, textured concrete block, architectural steel, or stone panels. The primary exterior material must be utilized on the front and the two sides of any building, except as may be required by Section 158.08(4) of this chapter. However, no wood, masonite, asphaltic exterior wall material, aluminum or steel siding, non-architectural sheet metal, non-textured concrete block, stucco, vinyl, E.I.F.S. (Exterior Insulation and Finish Systems) or other similar materials shall constitute a portion of the front and two sides of any of the exterior walls of any building as a primary exterior material. The remaining exterior materials utilized on the front and two sides of the exterior walls shall be considered as building trim or accent. The term “architectural steel” refers to an exterior steel product other than siding.

2. Building Trim and Accent Defined. For the purpose of this chapter, “trim” or “accent” is defined as an ornamental design feature that, when removed, significantly alters the appearance of the building. It would commonly consist of building elements like moldings, cornices, parapet, frieze, sills, lintels, string course, quoining and portland. The maximum amount of trim or accent on each façade area to which these standards apply shall not exceed twenty-five percent (25%). Materials used for trim or accent may, in addition to permitted primary exterior materials, include wood, plastic, asphaltic exterior wall material, aluminum or steel siding, stucco, vinyl, or cementitious material based siding. Materials that are part of a recognized corporate identity mark are permitted. Concrete block is not permitted.

3. Wall Area Defined. In the application of these requirements, some standards are based upon a percentage of the wall area. The “wall area” is defined as the total square feet of the exterior elevation of the building in a single plane that is perpendicular to the point-of-view and vertical to the ground. It may contain a gable and/or dormer in the same plane of view. It does not contain the elevation of a pitched roof, but would include the area of a parapet wall. Each elevation must comply with the standards unless otherwise approved by the Plan and Zoning Commission.

4. Buildings that Face Streets, Other Public Places and Residential Districts. A wall or side of a building that faces a public street, highway or roadway, recreational area, park, or a residential district that is within 250 feet of that particular wall or side shall be built consistent in design and use of primary exterior materials.

5. Other Materials. The Council, in its sole discretion and after receiving a recommendation from the Plan and Zoning Commission, may approve additional primary materials and trim on a case-by-case basis, provided that such materials and trim exhibit the structural strength and permanency desired, contain sufficient architectural relief, and do not detract from the desired aesthetic character of the building and the surrounding area.

6. Architectural Character. No new building or expansion of an existing building shall be constructed in the Central Business and Commercial District [as established by Section 165.04(7) of this Code of Ordinances] unless such construction is compatible with the existing and historical architectural character of the surrounding area by using a compatible design.

A. Compatibility of architectural character may be achieved through techniques such as the repetition of roof lines, the use of

similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed construction. Brick and stone masonry shall be considered compatible with wood framing and other materials.

B. Any new building or addition to an existing building shall be either similar in size and height, or if larger, shall be articulated, set back and subdivided into massing that is proportional to the mass and scale of other structures on the same block and adjoining blocks. Articulation may be achieved through variation of roof lines, setbacks, patterns of door and window placement and the use of characteristic entry features. To the maximum extent feasible, the height, setback and width of new buildings or additions to existing buildings should be similar to those of existing buildings on the same block. Taller buildings or portions of buildings should be located interior to the site.

C. The outside surfaces or walls of existing buildings in the Central Business and Commercial District may be remodeled incorporating existing portions of the structure.

D. Nothing in this subsection shall, however, modify or lessen the other requirements of this chapter, unless such modification is approved by the Council pursuant to the provisions of Section 158.08(5).

7. Architectural Standards for Multiple-Family Dwelling and Townhome Projects. Multiple-family and townhome projects shall be designed in compliance with certain standards which shall be set forth in the presentation of the architectural plan.

A. New buildings design should respect the context of any adjacent residential neighborhood including the height, scale, mass, form and character of the surrounding residential development.

B. Multiple-family and townhome developments shall provide a quality and architectural character that avoids monotonous and featureless building design.

C. Each building in a multiple-family and townhome development should have distinctive, yet consistent style. Fronts of buildings should be articulated through the use of bays, balconies, porches or stoops relating to entrances, windows and garages within the consistent architectural style. Unique style

presentations should be provided through the use of varying articulations from building to building.

D. All sides of a multiple-family or townhome building shall be constructed of similar features and architectural presentation. The buildings' primary architectural features shall not be restricted to a single façade.

E. Garage doors shall constitute not more than the following percentage of the lineal frontage distance of any multiple-family or townhome building:

1-car attached	40%
2-car attached	50%
3-car attached	60%

F. All apartments, condominiums, and three-story above grade townhomes shall incorporate a minimum of 40% brick or masonry in the overall building design. Window and door openings shall count for this requirement if completely surrounded by the brick or stone masonry material.

G. All single story and two-story townhome developments shall have a minimum of 25% brick or masonry surfacing on the front side of the building.

H. All multiple-family and townhome buildings shall be constructed of a pitched roof with a minimum slope of 5:12. A variety of roof forms is encouraged to denote building elements and functions.

8. Screening. The outdoor placement of electrical or mechanical equipment with a maximum height above the ground surface of more than 8 feet and total surface area of more than 50 square feet as measured by the exterior of all of the electrical and mechanical equipment associated with a particular site shall require the placement and maintaining of a physical screen.

A. The requirement for screening shall be accomplished by landscaping (including trees, shrubs, and plants), earthen berms, solid walls, or a combination thereof.

B. A written screening plan shall be submitted for review and approval as a part of the architectural plan, or as a separate plan, and shall be submitted simultaneously with the Site Plan and shall be considered with the Site Plan.

158.09 AMENDMENTS TO APPROVED SITE PLANS. An approved Site Plan may be amended when there is any change in location, size, design,

conformity or character of buildings and other improvements, provided that the amended Site Plan conforms to the provisions of this chapter and other provisions of this Code of Ordinances. An amended Site Plan shall be submitted to the City and reviewed by the Plan and Zoning Commission and approved by the City Council in the same manner as an original Site Plan.

158.10 ADDITIONAL REQUIREMENTS. As a part of the Site Plan approval process, the property owner may be required by the Council to install public utilities, including but not limited to, water lines, storm sewer, sanitary sewer, fire hydrants, and such other utilities as applicable to properly serve the proposed plan. The property owner may also be required by the Council to construct street paving and sidewalks as applicable to properly serve the proposed plan. Where required as part of a Site Plan approval, utilities, streets, and sidewalks shall be constructed in accord with the City's construction standards for those portions within the public right-of-way and to be dedicated to the City. Utilities, streets and sidewalks may also be required to be constructed to the same specifications for those undedicated portions where such utilities and improvements may have a direct affect on the future safety, proper functioning and maintenance of those portions to be dedicated.

158.11 EXPIRATION OF APPROVAL. All Site Plan approvals shall expire and terminate 365 days after the date of Council approval unless a building permit has been issued for the construction provided for in the Site Plan. The Council may, upon written request by the property owner, extend the time for the issuance of a building permit for 60 additional days. In the event the building permit for construction provided for in a Site Plan expires or is cancelled, then such Site Plan approval shall thereupon terminate.

158.12 FEE FOR SITE PLAN REVIEW. All costs in excess of \$200.00 incurred by the City, including engineers' costs, shall be reimbursed to the City by the person submitting the Site Plan and any amended Site Plan.

(Ch. 158 amended by Ord. 245 – Feb. 08 Supp.)

[The next page is 549]

CHAPTER 160

FLOODPLAIN REGULATIONS

160.01 Statutory Authority, Findings of Fact, and Purpose	160.07 Standards for Floodway Fringe (Overlay) District FF
160.02 Definitions	160.08 General Floodplain (Overlay) District GF
160.03 General Provisions	160.09 Establishment of Variance Procedures
160.04 Administration – Appointment, Duties and Responsibilities of Local Official	160.10 Nonconforming Uses
160.05 Administration – Floodplain Development Permit	160.11 Penalties for Violation
160.06 Establishment of Zoning (Overlay) Districts	160.12 Amendments

160.01 STATUTORY AUTHORITY, FINDINGS OF FACT, AND PURPOSE. The Legislature of the State of Iowa has in Chapter 414, *Code of Iowa*, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

1. Findings of Fact.

A. The flood hazard areas of the City of Granger are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

B. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.

2. Statement of Purpose. It is the purpose of this chapter to protect and preserve the rights, privileges and property of the City and its residents and to preserve and improve the peace, safety, health, welfare and comfort and convenience of its residents by minimizing flood losses described in Section 160.01(1)(A) with provisions designed to:

A. Restrict Use. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.

B. Vulnerable Uses Protected. Require that uses vulnerable to floods, including public facilities which serve such uses, be

protected against flood damage at the time of initial construction or substantial improvement.

C. Unsuitable Land Purchases. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

D. Flood Insurance. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

160.02 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. "Appurtenant structure" means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
2. "Base flood" means the flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the "100-year flood.")
3. "Base flood elevation (BFE)" means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. "Basement" means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
5. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or gardening.
6. "Enclosed area below lowest floor" means the floor of the lowest enclosed area in a building when all the following criteria are met:
 - A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Section 160.07(4)(A) of this chapter, and

- B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
 - C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
 - D. The enclosed area is not a “basement” as defined in this section.
7. “Existing construction” means any structure for which the “start of construction” commenced before the effective date of the first floodplain management regulations adopted by the community.
8. “Existing factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
9. “Expansion of existing factory-built home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
10. “Factory-built home” means any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes, and modular homes; and also include “recreational vehicles” which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
11. “Factory-built home park” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
12. “Five hundred (500) year flood” means a flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
13. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the

overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

14. “Flood insurance rate map (FIRM)” means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

15. “Flood insurance study (FIS)” means a report published by FEMA for a community issued along with the community’s Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

16. “Floodplain” means any land area susceptible to being inundated by water as a result of a flood.

17. “Floodplain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

18. “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities which will reduce or eliminate flood damage to such structures.

19. “Floodway” means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

20. “Floodway fringe” means those portions of the Special Flood Hazard Area outside the floodway.

21. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

22. “Historic structure” means any structure that is:

A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.
23. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of enclosed area below lowest floor are met.
24. “Minor projects” means small development activities (except for filling, grading and excavating) valued at less than \$500.
25. “New construction” means those structures (new buildings, factory-built home parks) or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
26. “New factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.
27. “Recreational vehicle” means a vehicle which is:
- A. Built on a single chassis;
 - B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - C. Designed to be self-propelled or permanently towable by a light duty truck; and
 - D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

28. “Routine maintenance of existing buildings and facilities” means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- C. Basement sealing;
- D. Repairing or replacing damaged or broken window panes; and
- E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

29. “Special flood hazard area (SFHA)” means the land within a community subject to the “base flood.” This land is identified on the community’s Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

30. “Start of construction” means includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

31. “Structure” means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.

32. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

33. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the “start of construction” of the improvement, or (ii) if the structure has been “substantially damaged” and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an “historic structure,” provided the alteration will not preclude the structure’s designation as an “historic structure.”

B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

34. “Variance” means a grant of relief by a community from the terms of the floodplain management regulations.

35. “Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.

160.03 GENERAL PROVISIONS.

1. Lands to Which this Chapter Apply. The provisions of this chapter shall apply to all lands within the jurisdiction of the City of Granger shown on the official Flood Plain Zoning Map as being within the boundaries of the Floodway Fringe and Shallow Flooding (Overlay) Districts, as established in Section 160.06.

2. Establishment of Official Flood Plain Zoning Map. The Flood Insurance Rate Map (FIRM) for Dallas County and Incorporated Areas, City of Granger, Panels 19049C0125F, 0230F, dated December 7, 2018,

which were prepared as part of the Dallas County Flood Insurance Study, is (are) hereby adopted by reference and declared to be the Official Flood Plain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this chapter.

3. Rules for Interpretation of District Boundaries. The boundaries of the zoning district areas shall be determined by scaling distances on the Official Flood Plain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this chapter.

4. Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

5. Abrogation and Greater Restrictions. It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other provisions of this Code of Ordinance inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

6. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

7. Warning and Disclaimer of Liability. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated Flood Plain (Overlay) District areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Granger or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made there under.

160.04 ADMINISTRATION – APPOINTMENT, DUTIES AND RESPONSIBILITIES OF LOCAL OFFICIAL.

1. The Zoning Administrator is hereby appointed to implement and administer the provisions of this chapter and will herein be referred to as the Administrator.
2. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:
 - A. Review all floodplain development permit applications to assure that the provisions of this chapter will be satisfied.
 - B. Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
 - C. Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures of (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - D. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
 - E. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.
 - F. Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
 - G. Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
 - H. Review subdivision proposals to insure such proposals are consistent with the purpose of this chapter and advise the City Council of potential conflict.
 - I. Maintain the accuracy of the community's Flood Insurance Rate Maps when;

(1) Development placed within the Floodway (Overlay) District results in any of the following:

- (a) An increase in the base flood elevations, or
- (b) Alteration to the floodway boundary.

(2) Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or

(3) Development relocates or alters the channel.

Within six months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

J. Perform site inspections to ensure compliance with the standards of this chapter.

K. Forward all requests for variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

160.05 ADMINISTRATION – FLOODPLAIN DEVELOPMENT PERMIT.

1. Permit Required. A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

2. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:

A. Description of the work to be covered by the permit for which application is to be made.

B. Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

C. Location and dimensions of all buildings and building additions.

- D. Indication of the use or occupancy for which the proposed work is intended.
 - E. Elevation of the base flood.
 - F. Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
 - G. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - H. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.
3. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.
4. Construction and Use to be as Provided in Application and Plans. Floodplain Development Permits based on the basis of approved plans and applications authorized only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

160.06 ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS.

The floodplain areas within the jurisdiction of this chapter are hereby divided into the following districts:

- 1. Floodway Fringe (Overlay) District (FF) – those areas identified as Zone AE on the Official Flood Plain Zoning Map but excluding those areas identified as Floodway;
- 2. General Floodplain (Overlay) District (GF) – those areas identified as Zone A on the Official Flood Plain Zoning Map, and;

160.07 STANDARDS FOR FLOODWAY FRINGE (OVERLAY)

DISTRICT FF. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Development which involves the placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Iowa Department of Natural Resources to determine whether the land involved is either wholly or partly within the floodway or floodway fringe. Where base flood elevations data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

1. All development within the Floodway Fringe (Overlay) District shall:

- A. Be consistent with the need to minimize flood damage.
- B. Use construction methods and practices that will minimize flood damage.
- C. Use construction materials and utility equipment that are resistant to flood damage.
- D. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

2. Residential Structures. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than one (1) foot above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time,

consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

3. Non-Residential Structures. All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

4. All New and Substantially Improved Structures:

A. Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities elevated or floodproofed to a minimum of one (1) foot above the base flood elevation).
5. Factory-Built Homes:
- A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.
- B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.
6. Utility and Sanitary Systems:
- A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
- B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.
- C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.
- D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material

and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

8. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a base flood with a minimum of 3 feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Flood Plain (Overlay) District.

11. Accessory Structures to Residential Uses.

A. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.

(1) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 square feet in size. Those portions of the structure located less than one foot above the BFE must be constructed of flood-resistant materials.

(2) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

(3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(4) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.

(5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

(6) The structure's walls shall include openings that satisfy the provisions of Section 160.07(4)(A) of this chapter.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.

A. Recreational vehicles are exempt from the requirements of Section 160.07(5) of this chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

(1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

(2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 160.07(5) of this chapter regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

14. Special Floodway Provisions. Uses determined to be within the floodway must meet the following applicable standards. The floodway is that portion of the flood plain which must be protected from developmental encroachment to allow the free flow of flood waters.

A. No use shall be permitted in the floodway that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon

the assumption that an equal degree of development would be allowed for similarly situated lands.

- B. All uses within the floodway shall;
 - (1) Be consistent with the need to minimize flood damage.
 - (2) Use construction methods and practices that will minimize flood damage.
 - (3) Use construction materials and utility equipment that are resistant to flood damage.
- C. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
- D. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable General Flood Plain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- E. Buildings, if permitted, shall have low flood damage potential and shall not be for human habitation.
- F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.
- G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- I. Pipeline river or stream crossing shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

160.08 GENERAL FLOODPLAIN (OVERLAY) DISTRICT GF.

- 1. Permitted Uses.

A. All uses within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other provision of this Code of Ordinances (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District.

B. Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

C. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:

- (1) The bridge or culvert is located on a stream that drains less than one hundred (100) square miles, and
- (2) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(1)b, Iowa Administrative Code.

2. Performance Standards.

A. All uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions of Section 160.07(14).

B. All uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (Section 160.07).

160.09 ESTABLISHMENT OF VARIANCE PROCEDURES.

1. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this chapter will result in

unnecessary hardship. Variances granted must meet the following applicable standards.

A. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

2. Hearings and Decisions of the Board of Adjustment.

A. Hearings. Upon the filing with the Board of Adjustment of an appeal or a request for a variance the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

B. Decisions. The Board shall arrive at a decision on an appeal or variance within a reasonable time. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a variance, the Board shall consider such factors as contained in this section and all other relevant sections of this chapter and may prescribe such conditions as contained in Section 160.09(3).

3. Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for variances, the Board shall consider all relevant factors specified in other sections of this chapter and:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept on to other land or downstream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

E. The importance of the services provided by the proposed facility to the City.

F. The requirements of the facility for a flood plain location.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

J. The safety of access to the property in times of flood for ordinary and emergency vehicles.

- K. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 - L. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - M. Such other factors which are relevant to the purpose of this chapter.
4. Conditions Attached to Variances. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:
- A. Modification of waste disposal and water supply facilities.
 - B. Limitation of periods of use and operation.
 - C. Imposition of operational controls, sureties, and deed restrictions.
 - D. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.
 - E. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

160.10 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

- A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this chapter.
 - B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

160.11 PENALTIES FOR VIOLATION. Violations of the provisions of this chapter or failure to comply with any of the requirements shall constitute a municipal infraction. Nothing herein contained prevent the City from taking such other lawful action as is necessary to prevent or remedy violation.

160.12 AMENDMENTS. The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

(Ch. 160 – Ord. 376 – Dec. 18 Supp.)

[The next page is 601]

CHAPTER 165

ZONING CODE — GENERAL PROVISIONS

165.01 Title	165.11 Issuance of Conditional and Permanent Certificate of Zoning Compliance
165.02 Interpretation of Standards	165.12 Expiration of Conditional Certificate of Zoning Compliance
165.03 Definitions	165.13 Board of Adjustment
165.04 Zoning Districts	165.14 Schedule of Fees
165.05 Boundaries	165.15 Amendments
165.06 Annexation	165.16 Complaints Regarding Violations
165.07 Zoning Administrator	165.17 Violation and Penalties
165.08 Enforcement Responsibilities	
165.09 Certificate of Zoning Compliance Required	
165.10 Application for Certificate of Zoning Compliance	

165.01 TITLE. Chapters 165, 166 and 167 of this Code of Ordinances shall be known and may be cited and referred to as the “Zoning Code” of the City of Granger, Iowa.

165.02 INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions of this Zoning Code shall be held to be minimum requirements. Where this Zoning Code imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or provisions of the Code of Ordinances of the City of Granger, the provisions of this Zoning Code shall control. Where for a specific land use the requirements of any other provision of the Code of Ordinances of the City of Granger are more stringent or restrictive than the requirements set forth herein, nothing herein shall be construed to waive compliance with the provisions of such other provision.

165.03 DEFINITIONS. For use in this Zoning Code, certain terms or words used herein shall be interpreted as follows. The “present tense” includes the future tense, the singular number includes plural, and the plural number includes the singular. The words “used” or “occupied” include the words intended, designed or arranged to be used or occupied. The word “lot” includes the words plot or parcel, and all other words or phrases used to denote an individual site which complies with the minimum provisions of this Zoning Code. The following definitions apply to the interpretation of this Zoning Code:

1. “Accessory living quarters” means living quarters within an accessory building for the sole use of persons fully employed on the premises or for temporary use by guests of the occupants of the premises.

2. “Accessory use or structure” means a use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to the use of the principal building.
3. “Agriculture” means the use of land for agricultural purposes, including animal husbandry, apiculture, dairying, farming, floriculture, forestry, groves, horticulture, orchards, poultry husbandry, ranching, viticulture, and the necessary accessory uses for packing, treating or storing the produce; however, the operation of the accessory uses shall be subordinate to that of the normal agricultural activities.
4. “Alley” means any public space or thoroughfare less than twenty (20) feet but not less than (10) feet in width which has been dedicated or deeded to the public for public use.
5. “Amendment” means a change in the wording, context or substance of this Zoning Code, or any part thereof, or a change in the zoning or district boundaries of the “Official Zoning Map”, a part of this Zoning Code, when adopted by Ordinance passed by the Council in the manner prescribed by law.
6. “Apartment house or building” means any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.
7. “Automobile wrecking” means the dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot, parcel or tract of land, of five (5) or more vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been removed or are to be removed for reuse, salvage or sale, shall constitute evidence of an automobile wrecking yard.
8. “Bar or saloon or tavern” means any place devoted primarily to the selling, serving or dispensing and drinking of malt, vinous, or other alcoholic beverage, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon, and where such beverages are consumed on the premises. (See also “cocktail lounge”, “night club”.)
9. “Basement” means a story of a building having more than one-half (1/2) of its height below grade. A basement shall not be counted as a

story for the purpose of height regulation, providing the finished floor level directly above is not more than six (6) feet above grade. (See “basement, walkout”, “cellar”, “story”.)

10. “Basement, walkout” means a basement having a portion of its finished floor not more than four (4) feet below the finished yard grade at any of its exterior walls and having not less than two-thirds (2/3) of the vertical height of an exterior wall, which has a ground level exit to the outside, above ground. A walkout basement shall be considered the ground floor level of the building and shall be counted as a story. (See “basement”, “cellar”, “story”.)

11. “Billboard” means all structures, regardless of the base of materials used in construction, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertises a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

12. “Boarding house” means a building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons, but does not include rest homes.

13. “Boundary of district” means the centerline of a street or right-of-way or the centerline of the alleyway, between the rear or side property lines or, where no alley or passageway exists, the rear or side property lines of all lots bordering on any district limits or any district boundary shown on the “Official Zoning Map” which is a part of this Zoning Code.

14. “Building” means any structure having a roof supported by walls or by columns intended for enclosure, shelter or housing of persons, animals, or chattel. When any portion thereof is entirely separated by walls in which there is no communicating doors or windows or any similar opening, each portion so separated shall be deemed a separate building.

15. “Building, height of” means the vertical distance from the average finished ground grade of the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

16. “Building line” means the extreme overall dimensions of a building as determined from its exterior walls and as staked on the ground, including all areas covered by vertical projection to the ground or overhang of walls, or any part of a primary structural support or

component which is nearest to the property line, except roof overhangs and chimneys which may extend up to two feet into the setback. (See “setback”.)

17. “Building site” means the ground area of one (1) lot, or the combined ground area of more than one (1) lot which have been combined for the use for one building or permitted group of buildings, together with all open spaces required by this Zoning Code. (See “lot”.)

18. “Bulk stations” means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.

19. “Cellar” means that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. (See “story”.)

20. “Centerline, public thoroughfare” means the line running parallel with the thoroughfare right-of-way which is half the distance between the extreme edges of the official right-of-way width.

21. “Certified survey” means a sketch, plan, map, or other exhibit bearing a written statement of its accuracy or conformity to specified standards which is signed and sealed by a registered surveyor.

22. “Channel” means any natural or artificial watercourse exhibiting definite banks, boundaries, and beds, and which contains visible evidence of flow or occurrence of water.

23. “Channel flow” means that water and material discharge which moves within the limits of the defined channel.

24. “Club” means an association or persons for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

25. “Cocktail lounge, cabaret” means any place of business, other than a “night club”, located in and accessory to a hotel, motel, or restaurant, where liquor, beer or wine is sold for consumption on the premises, where music or other entertainment is limited to a piano bar or other one person performance and dancing is prohibited. (See also “tavern”, “night club”.)

26. “Commercial use” means the barter, exchange, sale, service or trade of goods, materials, or services, either tangible or intangible for financial, material or monetary gain.

27. “Commission” means the Plan and Zoning Commission of Granger, Iowa.
28. “Court” means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.
29. “Crown of road” means the grade at the centerline of the pavement within a public thoroughfare, or where no pavement exists, grade at the right-of-way centerline.
30. “Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation.
31. “District” means a section or sections of land area, depicted on the Official Zoning Map as a Zoning District, within which the regulations governing the use of land, buildings and premises, or the height and lot area of building sites and premises conform to uniform standards.
32. “Dump” means a premises used for the disposal of “clean” type fill or refuse such as dirt, rocks, cans, tree branches and similar materials, but not including organic matter of any type such as garbage or dead animals or portions thereof.
33. “Dwelling” means any building or any portion thereof, which is not an “apartment house”, “lodging house” or a “hotel” as defined in this Zoning Code, which contains one or two “dwelling units” or “guest rooms”, used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes.
34. “Dwelling unit” means one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.
35. “Dwelling, one-family” means a detached building, on a building site, designed for and used exclusively for residential purposes by one family and containing one dwelling unit.
36. “Dwelling, two-family” means a building designed for and used exclusively for occupancy by two families living independently of each other and containing two dwelling units.
37. “Dwelling, multiple” means a building or buildings, on a common lot designed for and used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.

38. “Encroachment line or limit” means the inside boundary line closest to the drainage channel delineating the Floodway.
39. “Factory-built structure” means any structure which is, wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on a building site. “Factory-built structure” includes the terms “mobile home,” “manufactured home,” and “modular home.”
40. “Family” means an individual or two or more persons related by blood or marriage or a group of not more than five (5) persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.
41. “Farm” means an area comprising ten (10) acres or more which is used for agriculture.
42. “Flood” means any rise in channel flow which results in water or material exceeding channel banks, over flowing, and inundating areas adjacent to the channel not ordinarily covered by flow.
43. “Floodway fringe” means that portion of the flood plain beyond the floodway which shall from time to time be inundated by shallow slow-moving discharge.
44. “Floodproofing” means any structural or non-structural feature, addition, change, or adjustment to buildings, structures and properties primarily for the reduction or elimination of flood damage to land, water, sanitary facilities, buildings, structures, and contents of buildings. Such measures shall be designated consistent with the flood protection elevation for the particular area, flood velocities, duration, rates of rise, hydrostatic and hydrodynamic forces, and other factors associated with a flood. Flood proofing measures may include but not be limited to the following:
- A. Anchorage to resist flotation.
 - B. Installation of water-tight doors, bulkheads and shutters.
 - C. Reinforcement of walls to resist water pressures.
 - D. Use of paints, membranes, or mortars to reduce seepage of water through walls.
 - E. Addition of mass or weight to structures to resist flotation.
 - F. Cut off valves on sewer lines or elimination of gravity flow basement drains.

G. Construction to resist rupture or collapse caused by water pressure or floating debris; construction of any type so as to prevent the entrance of flood waters.

H. Pumping facilities for subsurface external foundation walls and basement floor pressures, or installation of pumps to lower water levels inside structures.

45. “Flood stage” means the height or elevation of a flood as referred to Mean Sea Level (MSL) Datum.

46. “Floodway” means the channel of any watercourse and the area adjoining a river, stream, water course, pond, lake, or quarry which has been or may become covered by flood water and must be reserved in order to discharge the 100-year flood without cumulatively increasing the flood water surface elevation more than a specified height at any point.

47. “Frontage” means the distance of a front lot line as measured along the public thoroughfare, except single family detached residential lots in an “R” District shall be measured at the front yard setback, provided no lot shall have less than forty (40) feet adjoining the public thoroughfare. (See “lot lines, front”.)

48. “Garage, community” means a structure, or a series of structures under one roof, and under one ownership, used primarily for storage of vehicles by three (3) or more owners or occupants of property in the vicinity.

49. “Garage, mechanical” means a structure in which major mechanical repair or rebuilding of motor powered vehicles is performed for commercial gain and in which the storage, care and minor servicing is an accessory use.

50. “Garage, private” means a building, or a portion of a building, not more than one thousand square feet (1,000 sq. ft.) in area, in which only motor vehicles used by the residents or tenants of the building or buildings on the premises are stored or kept.

51. “Garage, public” means any garage other than a private garage.

52. “Gas station” means a structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities or accessories for motor vehicles and including the customary space and facilities for the installation of such commodities or accessories on or in such vehicles, but not including space or facilities for the storage, painting, repair, refinishing, body work or other major servicing of motor vehicles.

53. “Grade” means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley or public way.

54. “Greenhouse” means a building or accessory structure constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of flowers or other tender plants.

55. “Guest house” means an accessory building used as a dwelling unit by domestic employees or for the use by a guest of the occupants of the premises.

56. “Half-story” means a story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds ($2/3$) of the floor area of the floor immediately below it.

57. “Home occupation” means any occupation or profession conducted solely by resident occupants in their place of abode, involving primarily services; provided that not more than one-quarter ($1/4$) of the area of not more than one (1) floor level of the building may be used in pursuit of the occupation; that there is used no sign other than one (1) name plate affixed to the outer wall, of not more than one (1) square foot in area that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; and not more than one person other than the occupants of the building may be employed.

58. “Hospital” means an institution specializing in giving clinical, temporary and emergency service of a medical or surgical nature to injured persons and patients, other than persons suffering from a lingering mental sickness, disease, disorder or ailment.

59. “Hotel” means any building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

60. “Improvement, substantial” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is to be restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

61. “Junk” means old and dilapidated automobiles, trucks, tractors and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap, used building materials, scrap contractor’s equipment, tanks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, hair, mattresses, beds or bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed for barter, resale, reuse, salvage, stripping, or trade. (See also “trash”.)

62. “Junk yard” means any area where junk is bought, sold, exchanged, baled or packed, disassembled or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking or structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, and not including the processing of used, discarded or salvaged materials necessary as a part of manufacturing operations.

63. “Kitchen” means any room or portion of a building used, intended or designed to be used for cooking and other preparation of food, including any room having a sink and provisions for either a gas or electric stove.

64. “Loading space” means any off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking (less than twenty-four hours) of a commercial vehicle while loading or unloading merchandise or materials.

65. “Lodging house” means any building or portion thereof, containing not more than five (5) guests where rent is paid in money, goods, labor or otherwise. A lodging house shall comply with all the requirements of this Zoning Code for dwellings.

66. “Lot” means, for zoning purposes, a parcel of real property of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required in this Zoning Code. Such lot shall have frontage on a dedicated street, and may consist of any one of the following:

- A. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- B. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this Zoning Code.
- C. A portion of a lot of record.
- D. Single lot of record.

67. “Lot lines”:

- A. Front: The line separating the front of the lot from a public street.
- B. Rear: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a corner lot, one of the two lot lines opposite and most distant from the two front lot lines shall be designated as a rear lot line to apply the rear yard setback. In case of an interior triangular or gore-shaped lot, it shall mean a straight line ten (10) feet in length which:
 - (1) Is parallel to the front lot line or its cord.
 - (2) Intersects the two (2) other lot lines at points most distant from the front lot line.
- C. Side: Any lot boundary line not a front lot line or a rear lot line.

68. “Lot measurements”:

- A. Area: The gross area, exclusive of streets or other public right-of-ways, within the boundary lines of a lot.

B. Depth: The mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the mean front lot line. In the case of an interior triangular or gore-shaped lot, the depth shall be the horizontal distance between the midpoints at the front and rear lot lines.

C. Width: The horizontal distance between the side lot lines as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front setback. Where the lot width is decreasing from front to rear, the horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the required minimum rear setback.

69. “Lot of record” means a lot which is part of the Original City or a Subdivision, the deed of which is recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

70. “Lot types”:

A.. Corner Lot: A lot located at and adjoining the intersection of two (2) or more streets, and having the street right-of-way abut two or more front lot lines.

B. Double Frontage Lot: A lot, other than a corner lot, with frontage on more than one (1) street or public thoroughfare.

C. Interior Lot: A lot, other than a corner lot, having frontage on but one (1) street or public thoroughfare.

D. Key Lot: A lot so subdivided as to have its side lines coincide with the rear lot lines of adjacent lots on either or both sides of the aforesaid key lots.

71. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings; and

B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and

C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level; and

D. The enclosed area is not a “basement” as defined in this Zoning Code.

In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

72. “Mental institution, hospital or home” means an institution specializing in giving clinical and psychiatric aid and treatment to and in conjunction with the housing of persons and patients suffering from a temporary or lingering mental ailment, disorder or sickness.

73. “Manufactured home” means a factory-built structure built under authority of 42 United States Code § 5403, that is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976.

74. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A “mobile home” is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976.

75. “Mobile home park” means a site, lot, field or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic and electrical services available.

76. “Modular home” means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, and must display the seal issued by the State Building Code Commissioner.

77. “Motel, or motor hotel” means a building or group of two (2) or more buildings designed to provide sleeping accommodations for transient or overnight guests, with exterior access for each unit and parking facilities conveniently located to each such unit.

78. “Night club” means any place of business located within any building or establishment, established and operated for the purpose of supplying entertainment or music, or both, and providing meals and refreshments prepared on the premises.

79. “Nonconforming use” means the use of a building or land or any portion thereof, which was originally lawfully established and maintained, but which, because of the application of this Zoning Code to it, no longer conforms to the use regulations of the district in which it is located.

80. “Nonprofit institution” means a nonprofit establishment maintained and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, educational or similar services to the public, groups, or individuals. Cooperative nonprofit associations, performing a service normally associated with retail sales or trade such as cooperative groceries, granaries, equipment sales, etc., shall not be considered a nonprofit institution under this Zoning Code.

81. “Nursing and convalescent homes” means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons.

82. “Obstruction” means any dam, dike, embankment, structure, building, wall, wharf, pile, abutment, projection, levy, excavation, channel rectification, bridge, conduit, culvert, wire, fence, refuse, fill, or matter in, along, across, or projecting into any channel, watercourse, or flood plain area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream, to the damage of life or property.

83. “Overlay district” means a district which may be established to overlay and act in conjunction with the underlying zoning district or districts.

84. “Parking area, public” means an open area, other than a street or alley, which is used for the temporary parking of more than four (4) automobiles and is available for public use whether free, for compensation, or as an accommodation for clients or customers.

85. “Parking space, automobile” means an area other than a street or alley, reserved for the parking of a private transportation vehicle, plus such additional area as is necessary to afford adequate ingress and egress.

86. “Place of business” means any vehicle, building, structure, yard, area, lot, premises, or part thereof, or any other place in which or on which one or more persons engage in a gainful occupation.

87. “Planning Commission” means the Plan and Zoning Commission of Granger, Iowa.

88. “Premises” means any lot, plot, parcel or tract of land, building or buildings, structure or structures, used publicly or privately as a place of business, dwelling or meeting place.
89. “Principal building” means the building situated or to be placed nearest the front property line and the use of which conforms to the primary use permitted by the zoning classification in which it is located.
90. “Public thoroughfare” means any right-of-way under the jurisdiction and maintenance of the governmental agencies of the Federal, State and Municipal government; which may be used by the public in general, and which serves as the frontage street to the abutting property. (See “street”.)
91. “Reach” means a term describing a longitudinal section of a stream, river, or watercourse.
92. “Residential” or “residence” is applied herein to any lot, plot, parcel, tract, area, or place of land or any building used exclusively for family dwelling purposes or intended to be used, including concomitant uses specified herein.
93. “Restaurant” means a building, room or rooms, not operated as a dining room in connection with a hotel, motel, or other multiple dwelling, where food is prepared and served to a group of families, a club or to the public and for consumption on the premises.
94. “Resubdivision” means any change in the shape or size of any lot, tract or parcel of land previously platted for the purpose, whether immediate or future, of sale, rent, lease, building development, anchorages or other use. “Resubdivision” also means any change in the shape or size of any lot, tract or parcel of land previously approved for building purposes whether immediate or future and regardless whether or not the same is vacant or improved in whole or in part, for sale, rent, lease, building development, anchorage or other use.
95. “Rooming house” means a residential building used, or intended to be used, as a place where sleeping accommodations are furnished or provided for pay, but which does not maintain a public dining room or café in the same building, nor in any building in connection therewith.
96. “Servant’s quarters” means a secondary residential building occupied by a domestic employee of the occupant of the principal residential building and conforming to the restrictions of this Zoning Code including those for accessory buildings.
97. “Service station” – (See “gas station”.)

98. “Setback” means the minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building, respectively. When two (2) or more lots under one (1) ownership are used, the exterior property line of the lots so grouped shall be used in determining off-sets.

99. “Sign” means any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

A. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

B. Flags and insignias of any government except when displayed in connection with commercial promotion.

C. Legal notices, identification, information, or directional signs erected or required by governmental bodies.

D. Intrinsic, decorative or architectural features of buildings, except letters, trademarks or moving parts.

E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

100. “Sign, on-site” means a sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities on the premises. On-site signs do not include billboards erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

101. “Sign, off-site” means a sign other than on-site sign. (See “billboard”.)

102. “Site” – (See “lot”.)

103. “Special use permit” means the authorization of a zoning certificate for an unclassified or special use of a lot or property by the Board of Adjustment as provided in Section 166.13.

(Subsection 103 – Ord. 400 – Feb. 23 Supp.)

104. “Stables”:

A. Private: A building or structure used, or intended to be used for housing horses belonging to the owner of the property and for noncommercial purposes.

B. Public and Riding Academy: A building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instructions may be given in connection with a public stable or riding academy.

C. Riding Club: A building or structure used or intended to be used, for the housing only of horses by a group of persons for non-commercial purposes.

105. “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade such basement or cellar shall be considered a story.

106. “Street” means any thoroughfare or public space not less than sixteen (16) feet in width which has been dedicated or deeded to the public for public use.

107. “Street line” means a dividing line between a lot, tract or parcel of land and a contiguous street. (See “lot line, front”.)

108. “Structural alterations” means any replacement or change in the shape or size of any portion of a building or of the supporting members of a building or structure such as walls, columns, beams, arches, girders, floor joist, roof joist, or roof trusses, beyond ordinary repairs and maintenance.

109. “Structure” means that which is built or constructed, a building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

110. “Subdivision” means a division of a lot, tract or parcel of land into three or more lots, plats, sites, or other subdivisions of land for the purpose, whether immediate or future, of sale, rent, lease, building development, anchorage, right-of-way dedication, or other use.

111. “Tent” means any structure or enclosure, the roof or one-half or more of the sides of which are of silk, cotton, canvas, nylon, or any light material, either attached to a building or structure, or unattached.

112. “Townhouse” means a dwelling unit which is attached horizontally, and not vertically to one or more other dwelling units, wherein the land or lot beneath each dwelling, may be individually owned by the owner of the dwelling. A townhouse subdivision shall have common elements which are specified in or determined under the rules and regulations set forth by recorded covenants. Covenants for a townhouse subdivision shall establish the guidelines for maintenance of common elements and permit free movement through common areas by members of the Homeowners Association (Council of Co-owners) to assure access to the structural exterior of each townhouse unit by the individual unit owner.

113. “Trash” means cuttings from vegetation, refuse, paper, bottles, rags. (Also see “junk”.)

114. “Variance” means a modification of the specific regulations of this Zoning Code granted by the Board of Adjustment in accordance with the terms of this Zoning Code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

115. “Yard” means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except for landscaping or as otherwise provided in this Zoning Code.

116. “Yard, front” means the yard area lying to the front of the principal building or between the front building line and the front lot line.

117. “Yard, rear” means the yard lying to the rear of the principal building, or between the rear building line and the rear lot line.

118. “Yard, side” means the yard area lying to the sides of the principal building or between the side building lines and the side lot lines.

119. “Zoning Administrator” means the administrative officer designated or appointed by the City Council to administer and enforce the regulations contained in this Zoning Code.

120. “Zoning certificate” means a written statement issued by the Zoning Administrator authorizing buildings, structures, or uses consistent with the terms of this Zoning Code and for the purpose of carrying out and enforcing its provisions.

(Ord. 184 – Oct-03 Supp.)

165.04 ZONING DISTRICTS. In order to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter

erected or altered; to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards, courts, and other open spaces within the surrounding such buildings, the City of Granger is hereby divided into ten (10) classes of zoning districts. The use, height and area regulations are uniform in each class of zoning district and said districts are known as:

1. “R-1” Single-family Residential District
2. “R-1-A” Single-family Residential District
3. “R-2” Low Density Multi-family Residential District
4. “R-3” Multi-family Residential District
5. “C-1” Limited Commercial District
6. “C-2” General Commercial District
7. “C-3” Central Business and Commercial District
8. “C-4” Highway Commercial District
9. “CI” Commercial Light Industrial District
(Ord. 249 – Feb. 08 Supp.)
10. “A-1” Agricultural District.

165.05 BOUNDARIES. The boundaries of the zoning districts are indicated upon the Official Zoning Map of the City of Granger, Iowa, which map is included as a part of this Zoning Code at the end of Chapter 167. The Zoning Map of the City of Granger, Iowa, and all the notations, references and other matters shown thereon are a part of this Zoning Code, including all notations, references and other matters set forth on said map, the original of which is properly attested and is on file in the office of the Clerk. The district boundaries are either municipal corporate lines, lot lines or the centerlines of streets and alleys, unless otherwise shown, and where the districts designated are bounded approximately by street, alley, or lot lines and are not dimensioned otherwise, the lot lines or the center lines of streets and alleys shall be construed to be the boundary of the district. Disputes concerning the exact location of any zoning district boundary line shall be decided by the Board of Adjustment according to the intent of this Zoning Code. (See *EDITOR’S NOTE at the end of Chapter 167 for ordinances which have been adopted amending the zoning map.*)

165.06 ANNEXATION. All territory hereafter annexed to the City shall be classified as being located in the “A-1” Agricultural District until such classification is subsequently changed by an amendment to the Zoning Code.

165.07 ZONING ADMINISTRATOR. The Zoning Administrator, who shall be appointed by the City Council, shall administer and enforce the provisions of this Zoning Code. The Zoning Administrator may be provided with the assistance of such other persons as the Council may direct.

165.08 ENFORCEMENT RESPONSIBILITIES. In the event the Zoning Administrator shall find that any of the provisions of this Zoning Code are being violated, he or she shall in writing notify the person responsible for the violation, shall indicate the specific nature of the violation, and shall order the action necessary to correct the violation. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Zoning Code, the Zoning Administrator shall order the owner of the affected property to take such actions as may be required to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, or to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct of business or use in or about said premises. The City, in addition to other remedies and if necessary, shall institute any proper action or proceedings to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to restrain, correct or abate such violation; or to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct of business or use in or about said premises.

165.09 CERTIFICATE OF ZONING COMPLIANCE REQUIRED. No building or other structure shall be erected, moved, added to, or structurally altered without a Certificate of Zoning Compliance issued by the Zoning Administrator. No Certificate shall be issued except in conformance with the provisions of this Zoning Code, except upon the written order of the Board of Adjustment.

165.10 APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE. All applications for a Certificate of Zoning Compliance shall be filed with the City Clerk, who shall forward them to the Zoning Administrator. All applications shall be accompanied by two copies of a building plan, drawn to scale, which shall contain the following information:

1. The name, address, and telephone number of the owner or owners of the property.
2. The name, address, and telephone number of any agent acting on behalf of the owner of the property.
3. The legal description of the property
4. Property boundary lines, dimensions and total area.
5. The location, size, shape and type of all proposed new or altered buildings or structures, as well as the location, size, shape and type of all existing buildings or structures.

6. The total square feet of existing and proposed building floor area.
7. The location of existing utilities, rights-of-way, and easements.
8. The existing or proposed uses of the building and the land.
9. The number of households or rental units any existing and proposed building is designed to accommodate.
10. Such other matters as may be required by the Zoning Administrator to permit the determination of conformance with, and to provide for the enforcement of, this Zoning Code.

165.11 ISSUANCE OF CONDITIONAL AND PERMANENT CERTIFICATE OF ZONING COMPLIANCE. It is unlawful for any person to undertake the erection, moving, adding to, or structurally altering of any building or structure until a Conditional Certificate of Zoning Compliance shall have been issued by the Zoning Administrator, which Conditional Certificate shall state that the proposed uses of the building or land conform to the provisions of this Zoning Code. Upon the completion of the construction project, it is the responsibility of the property owner to contact the Zoning Administrator for a final review of the property. If the actual uses of the building or land conform to the provisions of this Zoning Code, the Administrator shall issue a Permanent Certificate of Zoning Compliance. If the actual uses do not conform to the provisions of this Zoning Code, the Administrator shall order the owner to undertake such corrective measures as will result in compliance. The City Clerk shall maintain a record of all Conditional and Permanent Certificates of Zoning Compliance, and copies shall be furnished upon request to any person.

165.12 EXPIRATION OF CONDITIONAL CERTIFICATE OF ZONING COMPLIANCE. If the work described in any Conditional Certificate of Zoning Compliance has not begun within one hundred twenty (120) days of its issuance, the Certificate shall expire and it shall be canceled by the Zoning Administrator. Written notice of such cancellation shall be given to the applicant. If the work described in any Conditional Certificate of Zoning Compliance has not been substantially completed within two (2) years of its issuance, the Certificate shall expire and it shall be canceled by the Zoning Administrator. Written notice of such cancellation shall be given to the applicant, together with notice that further work as described in the canceled Certificate shall not proceed unless and until a new Certificate has been obtained.

165.13 BOARD OF ADJUSTMENT.

1. Board Created. A Board of Adjustment is established which shall consist of five (5) members. A majority of the members of the Board

shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate. Members of the Board shall be appointed by the Council for a term of five years, excepting that when the Board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board shall elect its own chair and vice chair, each of whom shall serve for a term of one year.

2. Meetings of the Board. The meetings of the Board of Adjustment shall be held at the call of the chair, and at such other times as the Board may determine. Such chair, or in his or her absence the vice chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the City Clerk and shall be a public record. The Board shall not carry out its business without having three members present.

3. Appeals. Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, or board of the City affected by any decision of the Zoning Administrator. Such appeal shall be taken within ten (10) days by filing with the City Clerk the notice of appeal specifying the grounds thereof. The City Clerk shall immediately provide a copy of the appeal to the Board, and the Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed, that by reason of the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the Board and the Zoning Administrator, and on due cause shown. The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof as required by state law as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney.

4. Jurisdiction and Powers. The Board of Adjustment shall have the following powers, and it shall be its duty:

A. To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Zoning Administrator in the enforcement of this Zoning Code.

B. To grant a variation in the requirements of this Zoning Code when a property owner can show that the property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations the strict application of the terms of this Zoning Code actually prohibits the use of the property in a manner reasonably similar to that of other property in the District, or where the Board is satisfied under the evidence before it, that the granting of such variation will alleviate a clearly demonstrable hardship; provided, however that all variations granted under this section shall be in harmony with the intended spirit and purpose of this Zoning Code.

C. To permit exceptions to the District regulations set forth in this Zoning Code, provided all exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase congestion in the public streets, shall not increase public danger of fire and safety, and shall not diminish or impair established property values in surrounding areas.

D. To permit the extension of a District where the boundary line of a District divides a lot in a single ownership as shown of record or by existing contract or purchase at the time of the enactment of this Zoning Code, but in no case shall such extension of the District boundary line exceed fifty (50) feet in any direction.

E. To issue special permits as provided in Section 166.13 of this chapter. *(Ord. 400 – Feb. 23 Supp.)*

5. Board Procedures. In exercising its powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as it believes proper, and to that end shall have all the

powers of the Zoning Administrator. The concurring vote of three of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Zoning Code; provided, however, that the action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and the vote of each member participating therein has been recorded in the minutes. Such resolution immediately following the Board's final decision, shall be filed in the office of the City Clerk, and shall be open to public inspection. Every variance and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.

6. Appeals of Board Decisions. Any resident, or any officer, department, or board of the City, or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto shall be made, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, upon notice to the Board and on due cause shown grant a restraining order. The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portion thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from, and shall be verified. If upon the hearing, which shall be tried *de novo*, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take such evidence or appoint a referee to take such evidence as it may direct and report the same to the court with findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

165.14 SCHEDULE OF FEES.

1. Establishment. The Council shall establish a schedule of fees, charges and expenses, and a collection procedure for Certificates of Zoning Compliance, appeals, and other matters pertaining to the enforcement of this Zoning Code. The schedule of fees listed in this section shall be posted in the office of the City Clerk, and may be modified only by an Ordinance enacted by the Council.
2. Payment Required. No certificate or variance shall be issued until the fees, costs, charges, or expenses provided in this section have been paid in full. No action shall be taken on proceedings before the Board of Adjustment unless and until the required fees and charges have been paid in full.
3. Schedule of Fees.
 - A. For the issuance of a Conditional and Permanent Certificate of Zoning Compliance - \$25.00 for a project the costs of which do not exceed \$2,500.00 in value, and \$50.00 for all other projects.
 - B. Appeal to the Board of Adjustment - \$50.00.
 - C. Application for an exception - \$50.00.
 - D. Application for a Special Use Permit - \$50.00.

(Subsection 3 – Ord. 400 – Feb. 23 Supp.)

165.15 AMENDMENTS. The City Council may from time to time, on its own action or on petition, after public notice and hearing as provided by law, and after report by the Plan and Zoning Commission amend, supplement, or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the City Council.

1. Petition for Amendment. Whenever any person, firm or corporation desires that any amendment, or change be made in this Zoning Code, including the text and/or the zoning map, as to any property in the City, and there is presented to the Council a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of fifty percent (50%) of the area of all real estate included within the boundaries of said tract as described in said petition, and in addition, duly signed by the owners of fifty percent (50%) of the area of all real estate lying outside of said tract but within two hundred (200) feet of the boundaries thereof [intervening streets and alleys not to be included in computing such two hundred (200) feet], it shall be the duty of the Council to vote upon such petition within ninety

(90) days after the filing of the report and recommendations from the Plan and Zoning Commission.

2. Public Hearings Required. No proposed amendment or change of boundaries or regulations shall be acted upon by the Council until after a public hearing thereon by the Plan and Zoning Commission. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. After the public hearing before the Plan and Zoning Commission, the Commission shall make a report and recommendations in writing to the Council. Before taking final action, the Council shall conduct a public hearing on the proposed amendment or change of boundaries or regulations, and at least seven (7) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City.

3. Disapproval by Commission or Protest. In case the proposed amendment, supplement or change be disapproved by the Plan and Zoning Commission, or a protest be presented duly signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, extending the depth of one lot or not to exceed two hundred (200) feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council.

4. Procedure After Denial. Whenever any petition for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been denied by the City Council, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the City Council until one (1) year shall have elapsed from the date of action by the City Council on the first petition. In the event the appellant withdraws the petition for rezoning prior to final action by the City Council no new petition covering the same property or the same property and additional property shall be filed with or considered by the City Council until six (6) months shall have elapsed from the date of withdrawal.

5. Fees Required. Before any action shall be taken as provided in this section, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the City the sum of one hundred dollars (\$100) to cover the approximate costs of

this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

165.16 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of any provision of this Zoning Code occurs, or is alleged to have occurred, any person may file a written complaint, setting forth the causes and basis thereof, with the City Clerk. The City Clerk shall promptly file each complaint received, and forward a copy to the Zoning Administrator, who shall immediately investigate the complaint, and take action thereon as provided by this Zoning Code.

165.17 VIOLATION AND PENALTIES. Violation of any provision of this Zoning Code, or the failure to comply with any of its requirements, shall constitute a civil infraction. Each day a given violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be charged and be found guilty of a separate offense and suffer the penalties provided. Nothing herein shall be construed to prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation of this Zoning Code.

[The next page is 635]

CHAPTER 166

ZONING CODE — GENERAL REGULATIONS

166.01	Conformance Required	166.10	Required Yard Cannot Be Reduced
166.02	Continuing Existing Uses	166.11	Building Lines on Approved Plats
166.03	Nonconforming Uses in any “R” District	166.12	Pending Construction
166.04	Nonconforming Uses in any District Other Than an “R” District	166.13	Special Uses
166.05	Street Frontage Required	166.14	Off-street Parking and Loading Areas
166.06	Accessory Buildings and Garages	166.15	Buffers
166.07	Corner Lots	166.16	Site Plans
166.08	Front Yard	166.17	Exceptions and Modifications
166.09	Fences, Walls and Vision Clearance	166.18	Swimming Pools
		166.19	Adult Entertainment Business Regulations

166.01 CONFORMANCE REQUIRED. Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this Zoning Code for the district in which the building or land is located.

166.02 CONTINUING EXISTING USES. The lawful use of a building existing at the time of the enactment of this Zoning Code [July 15, 1993] may be continued subject to the conditions set forth hereafter, even though such use may not conform with the regulations of this Zoning Code for the district in which it is located.

166.03 NONCONFORMING USES IN ANY “R” DISTRICT. No building or land devoted to a use not permitted by this Zoning Code in a Residential District in which such building or land is located, except when required by law, shall be substantially enlarged, extended, constructed, reconstructed, substituted or structurally altered, at a value of greater than fifty percent (50%) of the fair market value of the existing building or land, unless the use thereof is changed to a use permitted in the district in which such building, structure or premises is located, except as follows:

1. Substitution. If no substantial structural alterations are made, as specified above, a nonconforming use of a building or structure may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use has been changed to more restricted use or to a conforming use, such shall not thereafter be changed to a less restricted use.
2. Discontinuance. In the event that a nonconforming use of any building, structure or land is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located. The use of land upon which no building or

structure is erected or constructed which does not conform to the provisions of this Zoning Code and the use of land upon which no building is erected or constructed which becomes nonconforming by reason shall be discontinued within six (6) months from the date of the change.

3. Replacing Damaged Buildings. Any nonconforming building or structure damaged to an extent of fifty percent (50%) or more of its fair market value (prior to destruction or damage by fire, flood, explosion, war, riot, or Act of God), shall not be restored or reconstructed and used as before the effective date of this Zoning Code unless brought into conformity with the provisions of this Zoning Code.

166.04 NONCONFORMING USES IN ANY DISTRICT OTHER THAN AN “R” DISTRICT.

1. Structural Alterations and Enlargements. Any building or structure in any district other than an “R” District devoted to a use made nonconforming by this Zoning Code may be structurally altered or enlarged in conformity with the lot area, the lot frontage, yard and height requirements of the District in which situated, provided such enlargement or alteration of construction shall be limited to buildings on land owned of record by the owner of the land devoted to the nonconforming use prior to the effective date of this Zoning Code, or shall not be greater than fifty percent (50%) of the fair market value prior to the enlargement or alteration. In the event of such structural alteration or enlargement of buildings, the premises involved may not be used for any nonconforming use other than the use existing on the effective date of this Zoning Code.

2. Discontinuance. In the event that nonconforming use of any building or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the District in which it is located. The use of land upon which no building or structure is erected or constructed which does not conform to the provisions of this Zoning Code, and the use of land upon which no building is erected or constructed, which becomes nonconforming by reason of a subsequent change in this Zoning Code, shall be discontinued within two years from the date of the change.

3. Replacing Damaged Buildings. Any nonconforming building or structure damaged to an extent of fifty percent (50%) or more of its fair market value (prior to the destruction or damage by fire, flood, explosion, war, riot, or Act of God), shall not be restored or

reconstructed and used as before this Zoning Code unless brought into conformity with the provisions of this Zoning Code.

166.05 STREET FRONTAGE REQUIRED Except as herein provided, no lot shall contain any building used in whole or in part for residential purposes unless such lot abuts for at least forty (40) feet on at least one street. In situations of hardship, a special use permit may be issued for an exclusive unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street, and there shall be not more than one (1) single-family dwelling for such frontage or easement, except that a common easement of access at least fifty (50) feet wide may be provided for two (2) or more such single-family dwellings or for one (1) or more two-family or multiple dwellings.

166.06 ACCESSORY BUILDINGS AND GARAGES. No accessory building, structure or fence which exceeds six (6) feet in height shall be erected in a required yard or court, except as provided hereinafter.

1. Accessory buildings, including roof overhangs, shall be at least two (2) feet from lot lines of adjoining lots which are in any “R” District. On a corner lot they shall conform to the setback regulations on the side street. There shall be at least five (5) feet from any other separate building or structure on the same lot, and at least five (5) feet from any alley line, except that, when any entrance to an accessory building for automobile access faces the alley, said accessory building shall be at least twenty (20) feet from any alley line.
2. Accessory buildings, except buildings housing animals or fowl, may be erected as part of the principal building or may be connected thereto by a breezeway or similar structure, and such accessory building shall be considered as part of the principal building for all yard requirements.
3. A carport or garage for a residence may be in a side yard provided that a full required side yard is provided between the garage or carport, and the side lot line. An accessory building within sixty (60) feet of the front lot line shall have a full side yard between it and the side lot line.
4. The garage building shall not exceed one (1) story or fifteen (15) feet in height.
5. An accessory structure which is adaptable to underground construction (such as a tornado shelter, garage, wine cellar, etc.) may be constructed beneath the ground surface of any yard area; providing said structure shall comply with the following requirements:

- A. No portion of the structure shall be located less than two (2) feet, measured horizontally, from any lot line.
 - B. The surface area covering the structure shall be finished in a manner natural to the landscape so as to entirely conceal the underground structure.
 - C. No portion of the grade of the finished surface area above the structure may exceed a two (2) foot height increase above the normal finished grade of any required yard.
 - D. Ingress-egress to the underground structure shall be located within the allowable surface building area of the lot and shall not be located in any required yard area.
6. Accessory buildings and structures, regardless of height, which are constructed above the normal ground surface in any required yard area shall not occupy more than thirty percent (30%) of the yard area in which it is located; however, this regulation shall not be interpreted to prohibit the construction of a two-car garage not to exceed six hundred twenty-five (625) square feet gross building area. (*Ord. 184 – Oct-03 Supp.*)
7. No satellite dish antenna or antenna tower shall be erected within any of the front yard setback.

166.07 CORNER LOTS. For corner lots, platted after the effective date of this Zoning Code, the minimum required lot width shall be increased by an amount not less than twenty (20) feet so as to allow for the additional required street side yard, i.e. for a minimum required lot width of sixty (60) feet, the minimum width of a corner lot shall not be less than eighty (80) feet. All yards fronting a public street shall meet the minimum front yard setback. On corner lots platted and of record at the time of the effective date of this Zoning Code, the same regulations shall apply except that this regulation shall not be interpreted as to reduce the buildable width of the corner lot. On any corner lot, the depth of a front yard abutting a street shall be measured from the right-of-way line.

166.08 FRONT YARD. In any “R” District there shall be a minimum front yard depth required as stated in the yard requirements for the particular district; provided, however, (1) in any replat in any “R” District adjacent to an existing plat with dwellings located thereon, the front yard depth for the lots in the replat shall not be less than the smallest front yard depth of existing dwellings located within two hundred (200) feet of the replat, but in no event, shall the front yard depth be less than the smallest front yard depth of an existing dwelling immediately adjacent thereto which fronts on the same side of the street; (2) no front yard depth of any existing lot without a dwelling shall be less than the

smallest front yard depth of any lot with an existing dwelling immediately adjacent thereto and within two hundred (200) feet fronting on the same side of the street. Nothing in this Zoning Code shall be interpreted as to permit a front yard depth which is less than the minimum required front yard depth for the district in which it is located.

166.09 FENCES, WALLS AND VISION CLEARANCE.

1. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half (2 ½) feet and ten (10) feet above the centerline grades of the area described as follows:

That area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines twenty-five (25) feet from the point of intersection of said right-of-way lines.

This requirement shall not apply to the “C-3” District.

2. In any District, fences and walls not exceeding six (6) feet in height are permitted within the limits of side and rear yards. A fence or wall not exceeding four (4) feet in height is permitted within the limits of the front yard setback fronting any public street. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment.
3. In any District where a fence or wall is required by a section of this Zoning Code, the Subdivision Regulations in Chapter 170, or other provision of this Code of Ordinances, to serve as a screening wall, buffer wall or other separating or protective wall, the restrictions of paragraph 1 above shall yield to the requirements of the specific requirement.

166.10 REQUIRED YARD CANNOT BE REDUCED. No lot shall be reduced in size so as to make the width or total area of the lot, or any yard, or any other open space, less than the minimum required by this Zoning Code. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Zoning Code shall be included as a part of a yard or other open space required under this Zoning Code for another building or structure. Off-street parking and loading areas may occupy part of any required yard or open space except as specified in Section 166.14 of this Zoning Code.

166.11 BUILDING LINES ON APPROVED PLATS. Whenever the plat of a land subdivision approved by the City Council and on record in the Office of

the County Recorder and County Auditor shows a setback building line along any street frontage for the purpose of creating a front yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this Zoning Code unless specific yard requirements in this Zoning Code require a greater setback.

166.12 PENDING CONSTRUCTION. Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building, or part thereof, for which approvals have been granted before the enactment of this Zoning Code, the construction in conformance with such plans shall have been started prior to the effective date of this Zoning Code and completion thereof carried on in a normal manner and not discontinued for reason other than those beyond the builder's control.

166.13 SPECIAL USE REGULATIONS. Certain uses possess characteristics of such unique and special form as to make impractical their being included automatically in any classes of use as set forth in the various Districts established by this chapter; therefore, these uses shall be subject to certain conditions and standards set forth in this section, and the authority for the location thereof shall be subject to review by the Board of Adjustment following a public hearing and the issuance of a special use permit by the Board of Adjustment. In its determination upon the particular use at the location requested, the Board of Adjustment shall consider whether the proposed location, design, construction and operation of the particular use adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.

1. Application. An application for a special use permit under this section shall be accompanied by information concerning the feasibility of the requested use and its effect on surrounding property. The application shall include a schematic drawing or site plan delineating the areas to be developed for the proposed use, including buildings and structures. If applicable, the schematic drawing or site plan shall delineate the areas to be developed for parking, the locations of driveways and the points of ingress and egress, including access roads where required, the location and height of walls, the location and type of landscaping, the location, size and number of signs, and the manner of providing water supply and sewage treatment facilities.
2. Additional Information Required. The following information also may be required:
 - A. A vicinity map illustrating the approximate location of existing buildings and all existing land use within five hundred (500) feet of the proposed site boundaries.

B. As the uses herein are classified by possessing characteristics of unique and special form making automatic inclusion in the various districts impractical, a brief report, prepared by a qualified professional person, which shall outline and illustrate the provisions and methods for the abatement of undesirable effects on the public, which are peculiar to the use, such as, but not limited to, the following:

- (1) Traffic density and control.
- (2) Excessive lighting.
- (3) Noise level.
- (4) Hazardous conditions to spectators, participants, trespassers, or neighboring uses.
- (5) Pollution of air, water, or earth.
- (6) Adverse effects of damage and/or costs caused or associated with the periodic inundation of flood waters.

3. Restrictions. Authorization for a special use permit shall not be granted for failure to comply with the following conditions:

A. Uses involving the large assemblages of people shall not be located less than three hundred (300) feet from any existing dwelling site.

B. Uses involving nuisances such as noise, vibration, pollution, etc. shall not be located less than five hundred (500) feet from an "R" District or less than one thousand (1,000) feet from an existing dwelling.

C. Uses involving the large assemblages of people shall not be located in a vicinity where the arterial traffic system is inadequate to provide for the increased traffic density.

D. Uses involving the extensive use of exterior lighting shall not be located in a vicinity where such lighting may be hazardous to air or ground traffic ways, and such uses shall not be located less than a distance required to reduce the light intensity to normal residential street lighting intensity at any "R" District boundary.

4. Temporary Uses. Notwithstanding any other provisions of this chapter, the Board of Adjustment may without notice, public hearing or other procedures described in this section for the issuance of a special use permit, issue a special use permit authorizing the operation of a charitable or nonprofit sponsored carnival for a period not to exceed seven (7) days.

5. Parking, Placing or Erection of Trailers, Trucks, or Temporary Buildings, Sheds or Offices.

A. Permit Required. No person shall, unless first obtaining approval of a permit from the Council, place, park, or erect any trailer, truck, or temporary building, shed or office on any lot for the purpose of storing merchandise, commodities, materials, products or conducting sales therefrom when the placing, parking or erection of the same is used in connection with any commercial or industrial building.

B. Permit Information. Any person requesting a permit required under Subsection 1 must state the type of trailer, or temporary building, office or shed to be placed, parked or erected upon the lot, the nature or purpose of the use therefor and the length of time that it will remain on the lot.

C. Use of Existing Trailer, Truck, or Temporary Building, Shed or Office; Permit Required. A permit shall not be required by all persons who at the time of the enactment of this chapter, are using any trailer, truck, or temporary building, shed or office as set out in Subsection 1.

D. Exceptions. Nothing contained in Subsections 1 and 3 shall prohibit the loading or unloading of any trailer, truck, or temporary building, shed or office on any lot providing the loading or unloading is completed within twelve (12) hours and the trailer, truck, or temporary building, shed or office is promptly removed thereafter.

(Section 166.13 – Ord. 400 – Feb. 23 Supp.)

166.14 OFF-STREET PARKING AND LOADING AREAS. It is the intent of this section to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. The requirements of this section are minimum and in the certain uses of land, these requirements may be inadequate. Where review of the site plans and intended land use indicate through the application of proven standards or experienced statistics that the requirements herein are inadequate for the specific land use adaptation, a greater requirement for off-street parking space is justified and may be required to preserve the intent of this section.

1. Off-street Loading Space Required. In any District, except the “C-3” Central Business and Commercial District, in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by

manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, office buildings, dry cleaning or other similar uses which require the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space, and for multiple tenant commercial/retail shopping centers, one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of ten thousand (10,000) square feet, provided the total number of loading spaces is not required to be more than the total number of occupying tenants, and provided there shall not be required to be more loading spaces than the number of tenants in a building. Each loading space shall be not less than nine (9) feet in width and nineteen (19) feet in length. Such space may occupy all or any part of any required yard or court space, except required open spaces and required planting screens under Section 166.15.

2. **Off-Street Parking Area Required.** In all Districts, except the “C-3” Central Business and Commercial District, in connection with every industrial, commercial, business, trade, institutional, or recreational use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule.

A. **Automobile sales and service garages** – one (1) parking space for each three hundred (300) square footage of floor area and one (1) parking space for each person regularly employed on the premises.

B. **Banks, business and professional offices** – one (1) parking space for each two hundred and fifty (250) square feet of gross floor area.

C. **Bowling alley** – five (5) spaces for each alley and one (1) space for each four (4) spectator seats.

D. **Churches** – one (1) parking space for each three (3) seats (one [1] parking space for each 6 feet of pew space) and (1) parking space for each classroom.

E. **Dance halls, assembly halls** - one (1) parking space for each one hundred (100) square feet of floor area devoted to patron use, or one (1) parking space for each four (4) seats of maximum seating capacity, whichever is greater.

F. **Day nursery schools and child care centers (including day nursery for elderly)** – five (5) parking spaces, or one and one-half (1-1/2) parking spaces for each ten (10) maximum client

capacity, whichever is greater, plus additional spaces necessary to accommodate the parking of vans and buses used for client transport by the School or Center.

G. **Funeral homes, mortuaries** – fifteen (15) parking spaces or one (1) parking space for each four (4) seats in the principal auditorium or four (4) parking spaces for each service or viewing room, whichever is greater. In addition, one (1) parking space for each two (2) persons regularly employed on the premises shall be provided.

H. **Furniture, appliance and other retail stores displaying large and bulky merchandise** – one (1) parking space for each five hundred (500) square feet of patron floor area.

I. **Hospitals, sanitariums and rest homes** – one (1) parking space for each four (4) patient beds and one (1) parking space for each person regularly employed on the premises during the maximum working shift or change of shifts, whichever is greater, and one (1) space for each doctor.

J. **Hotels, motels, lodging houses** – one (1) parking space for each room or suite of rooms offered for tourist accommodations, one (1) parking space for each two (2) persons regularly employed on the premises during the maximum working shift, and one (1) parking space per one hundred (100) gross square feet of associated floor area used for restaurant, tavern, night club, meeting rooms and convention facilities.

K. **Industrial or manufacturing plants** - one and one-half (1-1/2) parking spaces for each two (2) employees on the maximum working shift; or two (2) parking spaces for each one thousand (1,000) square feet of gross floor area up to ten thousand (10,000) gross square feet devoted to manufacturing use and then two (2) parking spaces for each fifteen hundred (1500) square feet devoted to manufacturing use thereafter; whichever is greater.

L. **Restaurants, taverns, night clubs or similar places dispensing food, drink or refreshments** – one (1) parking space for each fifty (50) square feet of floor area devoted to patron use within the establishment. In addition, one (1) parking space must be provided for each person regularly employed or intended to be regularly employed on the premises during the maximum working shift.

M. **Retail stores, super markets, drug and sundry stores, department stores, etc.**

(1) **For stores over two thousand (2,000) square feet floor area** – one (1) parking space for each and every one hundred and seventy-five (175) square feet of gross floor area.

(2) **For stores and shops under two thousand (2,000) square feet** – one (1) parking space for each and every five hundred (500) square feet of gross floor area, and one (1) space for each person regularly employed on the premises; provided, however, there shall not be less than five (5) parking spaces.

N. Schools and other places of education or instruction.

(1) **Elementary, junior high and other places for under driving age students** - one (1) parking space for each and every person regularly employed on the premises. In addition, one (1) parking space for each ten (10) student desks or classroom seating capacity.

(2) **High schools** – one (1) parking space for each and every person regularly employed on the premises. In addition, one (1) parking space for each three (3) student desks or classroom seating facilities.

Whichever is greater of the parking space required by (1) and (2) above or parking space requirements for sports arenas, stadiums, auditoriums, etc. on site, shall be provided.

O. Shopping centers – multiple tenant shopping centers: one (1) parking space for each one hundred seventy-five (175) square feet of gross floor area up to ten thousand (10,000) square feet, and one (1) parking space for each two hundred (200) square feet of gross floor area thereafter. If a multi-tenant shopping center is occupied by a tenant or tenants which collectively is determined to create a twenty percent (20%) or greater demand for parking by the shopping center in accordance with the schedule within this subsection, the required parking for said shopping center shall be calculated based upon the collective parking space requirements of all tenants based upon the schedule herein.

P. Sports arenas, theaters, auditoriums and other similar places of public assembly – one (1) parking space for each four (4) persons of maximum standing and seating capacity.

Q. Wholesale establishments or warehouses – one (1) space for each person regularly employed on the premises, and one (1) space for each two thousand (2,000) square feet of floor area.

In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is mentioned and to which said use is similar, shall apply. If no similar use is identified, parking spaces required shall be determined based upon anticipated peak usage.

3. **Parking Area Dimensions.** A parking space reserved for the parking of motor vehicles shall have a dimension of not less than nine (9) feet in stall width and nineteen (19) feet in depth for 90 degree parking without front end overhang, plus such additional parking bay stall aisle width based on proven traffic engineering standards acceptable to the City and conforming to the minimum standards necessary to afford adequate ingress and egress. Where there is front end overhang over an open space area, the minimum stall depth for a parking space may be reduced two (2) feet. The stall depth is the distance perpendicular to the parking bay aisle from the edge of the aisle to the most distant point of the parking stall. The following dimensions are minimum standards for the design of a parking area for stalls without an overhang over an open space:

Angle of Parking	Stall Width	Stall Depth
Parallel	24 feet	9 feet
30° to 60°	9 feet	21 feet
90°	9 feet	19 feet
For angle parking, the minimum width of the access lane shall be 12 feet.		

4. **Access Drives.** Access drive requirements are as follows:

A. In any “R” District no parking space or access thereto, except entrance or exit drives as limited in this subsection, shall be within five (5) feet of a street or lot line. Entrance or exit drives connecting the parking area and the street shall be permitted within the five (5) foot strip required above, provided:

- (1) Such drives shall not exceed fifteen (15) feet in total aggregate width (measured at the lot line) for each fifty (50) feet of street line abutting such lot, but in no case will exceed forty (40) feet in total aggregate width for each street line upon which a lot abuts. (*Ord. 184 – Oct-03 Supp.*)
- (2) Such drives shall have at least sixty (60) feet of unobstructed vision in both directions along the street into which the drive enters measured from the centerline of the drive at the point where it enters the street, and the

centerline of such drive shall be at least sixty (60) feet from the centerline of any street intersecting the street onto which the drive enters.

(3) Such drives shall have on each side a triangular area formed by the intersection of the driveway line, the street line and a straight line joining said lines at points thirty (30) feet distant from their point of intersection. Within such triangular area, no parking or loading or unloading shall be permitted, nor shall there be any obstruction to traffic visibility.

B. In the “M-1” Light Industrial District no parking space or access thereto, except entrance to exit drives as limited in this section, shall be within five (5) feet of any lot line. Entrance or exit drives connecting the parking and the street shall be permitted within the five (5) foot strip required above.

5. Surfacing Requirements. All off-street parking and loading areas and access roadways shall have a durable and dustless surface paved with asphaltic or portland cement concrete pavement. Off-street parking, except in the “C-3” Central Business and Commercial District, of automobiles, vans, campers, trucks, trailers, tractors, recreational vehicles, boats, construction equipment, and any other mobile vehicle equipped for street and highway travel in the front yard between the building and public street right-of-way shall be on an asphaltic or portland cement concrete paved parking area. Driveways for individual single family detached or attached townhouse style residences on private property shall be asphaltic concrete or portland cement concrete

6. Ingress/Egress Access Points. In Commercial and Industrial Districts the number and location of ingress/egress access points to the public street from off-street parking areas shall be approved by the Council and located to limit vehicular conflicts, provide acceptable location of driveway accesses to public streets, preserve proper traffic safety and, so far as possible, not impair movement of vehicular traffic on public streets.

7. Public Street Accesses. In the “R-3” Commercial, and Industrial Districts, and so far as possible, public street accesses shall be located in alignment with driveway approaches gaining access to the same public street from property on the opposite side of the street. The design of off-street parking and loading facilities shall provide traffic circulation for the internal forward movement of traffic within the parking lot, so designed, limiting any impairment of vehicular movement on public streets, or backing of vehicles from an off-street parking or loading area

to a public street. The permitted number of ingress/egress driveway approaches to public streets for an off-street parking lot shall be based on traffic use, and as approved by the City.

8. Handicapped Parking Requirements. Provision of handicapped parking spaces within off-street parking facilities shall be in accordance with the provisions of the Code of the State of Iowa.

9. Waiver of Requirements. The City Council reserves the right to waive or modify to a lesser restriction any provision or requirement of off-street parking and loading areas contained in this section, provided a favorable report on such change is approved by the Plan and Zoning Commission, and further provided said waiver or modification does not adversely affect the intent of this Zoning Code to adequately safeguard the general public and surrounding property. Exceptions will only be considered for those uses where special circumstances warrant a change and where the modification or waiver is determined to be in the best interest of the general public.

166.15 BUFFERS. The transition from one District to another District of contrasting and conflicting uses, is across a barrier and line in theory and not physically existent. It is the intent of this section to require the actual provision of a physical barrier so as to reduce any possible harmful or detrimental influence one District use may or may not have to an abutting and contrasting or conflicting District use.

1. Conditions For Requiring a Buffer. The following conditions shall require a buffer between abutting Districts:

A. Any “R-2” and “R-3” District, (other than attached or detached single family structures), all “C” districts and all “M” Districts which abut any “R-1”, “R-1-A”, “R-3” or single family residence in an “R-2” District shall be buffered as required in this section.

B. All “M” Districts which abut any “C-1” District shall be buffered as required in this section.

Any lot in any District having both its front and rear lines abutting a public thoroughfare (a double frontage lot) shall be buffered from the thoroughfare abutting its designated rear line. Any storage yard or loading dock, not on a farm, in any District, except “A-1”, which abuts a public thoroughfare shall be restricted from public view by a buffer.

2. Permissive Buffers. Buffers required under the provisions of this section shall be accomplished by any one of the following methods:

A. In newly developed areas, creating as a permanent screen an area not less than thirty (30) feet in width with plantings of evergreen type trees, shrubs and plants so as to provide year-round effectiveness.

B. In other areas, creating as a permanent screen an area not less than fifteen (15) feet in width with plantings of evergreen type trees, shrubs and plants so as to provide year-round effectiveness, the specificity of which shall be established by the Council in the Site Plan review process under Section 166.16 of this Zoning Code.

C. An alley bordering the Central Business and Commercial District shall constitute a sufficient buffer.

3. Burden of Provision of a Buffer. The burden of provision and selection of the buffer shall be as follows:

A. Where two different Districts, requiring a buffer between them, are both in an existing improved condition, the above requirement is not retroactive and should a buffer be desired, it shall be by mutual agreement between the property owners or as otherwise provided by law. However, in the event any or all of the improved property is abandoned, destroyed, demolished, etc., for the purpose of renewal, redevelopment, etc., that portion of such property being renewed, redeveloped, etc., shall be considered vacant land subject to the requirements herein.

B. Where one of two different Districts requiring a buffer between them is partially developed, the developer of the vacant land shall assume the burden.

C. Where both Districts, requiring a buffer between them, are vacant or undeveloped except for agricultural use, the burden shall be assumed by the developer as the land is improved or developed.

4. Waiver of Buffer Requirement. Where the line between two Districts, requiring a buffer, follows a street right-of-way, railroad, stream, or other similar barrier, the requirement for a buffer may be waived by the Council in the Site Plan review process under Section 166.16 of this Zoning Code, provided such waiver does not permit the exposure of undesirable characteristics of land use to public view.

166.16 SITE PLANS. (Repealed by Ord. 245 – Feb. 08 Supp – see Chapter 158.)

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166.17 EXCEPTIONS AND MODIFICATIONS.

1. Use of Existing Lots of Record. In any District where dwellings are permitted, a single-family dwelling may be located on any lot or plot of official record as of the date of the enactment of this Zoning Code irrespective of its area or width; and in addition, any two-family dwelling may be located on any lot or plot in any “R-2” or “R-3” Residential District that has a lot width of not less than fifty (50) feet and is of official record as of the date of this Zoning Code; provided however:

A. The sum of the side yard width of any such lot or plot need not exceed thirty (30) percent of the width of the lot, but in no case less than ten (10) percent of the width of the lot for any one side yard.

B. The depth of the rear yard of any such lot shall not be less than twenty (20) percent of the depth of the lot, but in no case less than ten (10) feet.

2. Structures Permitted Above Height Limit. The building height limitations of this Zoning Code shall be modified as follows:

A. Chimneys, cooling towers, elevator bulk-heads, fire towers, monuments, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, radio or television towers or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted provisions of the Code of Ordinances of the City of Granger.

B. Public, semi-public or public service building, hospitals, sanitariums, or schools, when permitted in a District, may be erected to a height not exceeding sixty (60) feet, and churches and temples, when permitted in a District may be erected to a height not exceeding seventy-five (75) feet in height if the building is set back from each property line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the District in which the building is built.

C. The height of any building, tower, sign, or any attachment to any structure shall not exceed maximum elevations as delineated within this Zoning Code and unless a variance is granted through proper procedures as specified in this Zoning Code.

3. Area Requirements. In any District, and for building purposes, where either public water, public sanitary sewer, or both of the aforementioned are not available, the minimum lot area and frontage requirements shall be:

A. All lots, except those of ten (10) acres or more shall be provided with access and connections to public water mains.

B. Any lot or lots which cannot be reasonably served by a public sanitary sewer system, shall have a minimum frontage of one hundred twenty-five (125) feet, and an area of not less than forty thousand (40,000) square feet, or the minimum permitted by this Zoning Code, whichever is larger for the District of which said parcel is a part.

4. Exceptions To Yard Requirement. Buildings on through lots and extending through from street to street shall provide the required front yard on both streets. Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building.

5. Exceptions to Prohibited Uses. The Board of Adjustment may, after public hearing, issue a special permit to authorize the location of any of the following buildings or uses in any District from which they are prohibited by this chapter:

A. Any public building erected and used by any department of the City, township, County, State or federal government.

B. Airport or landing field.

C. Community building or recreation field.

D. Country clubs and golf courses.

E. Hospitals, non-profit fraternal institutions provided they are used solely for fraternal purposes, and institutions of an educational, religious or philanthropic character, provided that the building shall be set back from all yard lines a distance of not less than two (2) feet for each foot of building height.

F. Nurseries and greenhouses.

G. Pre-schools.

H. Public and private cemeteries.

I. Temporary or seasonal amusement enterprises.

Upon the filing of an application for a special use permit under this section, the Board of Adjustment shall, following a public hearing,

consider the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare of the community.

(Subsection 5 – Ord. 400 – Feb. 23 Supp.)

166.18 SWIMMING POOLS.

1. It is the purpose of this section to require architects, builders, contractors, pool suppliers, property owners, their agents and others to meet their responsibilities with respect to proper construction and premises safety, as set forth in this section. It is not the purpose of this section to create any duty on the part of the City, its officials, agents or employees, owing to any individual member of the public or to protect any particular class of persons. Specifically, it is not the intent of this section to create any duty or liability by the City, its officials, agents or employees to premises occupants, owners, tenants or any other person.

2. No person shall place reliance upon this section or any certificate issued pursuant to this section, as indicating the safety of or quality of construction of any particular premises. Neither this section nor any certificate issued is intended to assume the duty of any person to adequately construct and maintain a premises or to provide a safe premises or to, in any way, indicate a decrease in the risk associated with the use or occupancy of any premises. A certification that a premises complies with the requirements of this section shall not in any way constitute a warranty or guarantee of the safety or quality of that premises.

3. By making an application under this section, any applicant assumes and agrees to pay for all loss or damage to property and injury to or death of any person arising from or in connection with or related to the issuance of any certificate under this section or the doing of anything under this section. Such applicant, by making an application, forever indemnifies the City, its officials, agents or employees, and agrees to save it and them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though the acts or omissions of the City, its officials, agents or employees may have caused or contributed thereto. The provisions of this paragraph shall be deemed to be a part of any certificate issued pursuant to this section whether expressly recited therein or not, and shall apply to all assigns, assignees, subsequent owners, renters or occupants of the property involved.

4. The foregoing statements of legislative intent with respect to this section on swimming pools shall govern and take precedence over any other language contained in the Code of Ordinances.

5. The following definitions apply to the interpretation of this section:
 - A. “Swimming pool” means any outdoor body of water which has the capacity to contain a minimum depth of thirty-six (36) inches or more of water in an artificial or semi-artificial receptacle. *(Ord. 399 – Feb. 23 Supp.)*
 - B. “Small child” means any child twelve (12) years of age or younger.
 - C. “Fence” or “wall” means a structure constructed sufficiently strong and substantially designed to make the swimming pool inaccessible to small children.
 - D. “Impervious” refers to a material which is incapable of being penetrated by water.
6. No person shall maintain, construct, enlarge, alter or otherwise improve a swimming pool without first obtaining a Certificate of Zoning Compliance for Swimming Pool from the Zoning Administrator, pursuant to Sections 165.10 and 165.11. For the issuance of a Conditional Certificate of Zoning Compliance for Swimming Pool, an applicant must certify that the requirements of this section shall be complied with in all respects and submit plans therefor. A Permanent Certificate of Zoning Compliance for Swimming Pool shall not be issued by the Zoning Administrator until all of the requirements of this section have been complied with. A fee of \$50 shall be paid by the applicant, which fee shall be in addition to the schedule of fees established in Section 165.14.
7. The materials used for lining swimming pools shall be light in color, shall be impervious and shall provide a tight tank with smooth, easily cleaned surfaces. No sand or dirt bottoms shall be allowed.
8. Every in-ground swimming pool shall be completely surrounded and enclosed by a fence or wall six (6) feet in height and located at least six (6) feet from the side of the swimming pool, unless the enclosure is a part of pre-manufactured assembly in which case it shall be no closer than four (4) feet from the side of the swimming pool. Such fence or wall shall be reasonably non-climbable and shall be constructed and maintained as to make the swimming pool as inaccessible as possible to small children. There shall not be a distance greater than ten (10) feet between posts. The bottom of the fence or wall shall be at grade with no clearance between the bottom and the ground along the entire perimeter of the fence or wall.

9. Swimming pools manufactured for installation above ground shall be installed in accordance with the following criteria:

A. Enclosure of an above-ground swimming pool shall reasonably secure the swimming pool and any deck or platform attached to it from unauthorized access to small children.

B. A fence or wall six (6) feet above any adjoining grade located within six (6) feet of the swimming pool enclosure shall be used in combination with the vertical water enclosing wall of the swimming pool to provide the required degree of safety, unless the enclosure or fence is part of a pre-manufactured assembly, in which case it shall be no closer than four (4) feet from the side of the swimming pool.

C. Steps, ladders, ramps or any other device affording access to the swimming pool shall be constructed in a manner that will afford the same degree of security against unauthorized access as that prescribed for the swimming pool enclosure.

D. No part of a swimming pool enclosure shall be constructed within ten (10) feet of a property line, other wall, fence or other structure, which can readily be climbed by small children.

E. Seasonal above ground pools that have the capacity to hold between twenty-four (24) inches up to thirty-six (36) inches of water shall not be considered “swimming pools” for the rest of this chapter. However, installation of such seasonal above ground pools shall require enclosure by a fence that meets City Code requirements at least four (4) feet above the adjoining grade.

(Paragraph E – Ord. 399 – Feb. 23 Supp.)

10. The enclosure requirements contained in Paragraphs 8 and 9 above may be satisfied in the case of swimming pools or spas with a water surface area of less than sixty (60) square feet by equipping the pool or spa with a rigid cover capable of supporting two hundred (200) pounds which, when securely locked in place, will render the water contained therein inaccessible to anyone not having a key. When such a rigid cover is used in lieu of the enclosure requirements, the owner shall not leave the pool or spa unattended without such rigid cover securely locked in place. For the purposes of this paragraph, “unattended” means the absence of an adult person in the pool or spa or within constant eyesight of the pool or spa and no more than twenty (20) feet therefrom.

11. All gates and doors providing access through a fence or wall to any swimming pool shall be equipped with self-closing and self-latching devices. Gates and doors shall be securely closed when the swimming

pool is not in use. The self-closing and self-latching device on gates and doors shall be equipped either with a manual latch which can only be operated at a point five (5) feet above the ground or with a lock and key.

12. No swimming pool drain shall be connected to or drained into any part of the sanitary sewer system; nor shall it be drained onto the public streets or sidewalks so as to create a nuisance, hazard or dangerous condition, such as freezing on streets or sidewalks; nor shall it be drained onto the property of others.

13. The owner or occupant of any property where a swimming pool is located shall keep and maintain the fence or wall and gate or door openings to the swimming pool in good repair at all times.

14. Persons maintaining a swimming pool shall be deemed to consent to periodic inspections of draining devices and any fence, wall, gate or door surrounding the swimming pool and any rigid cover over a swimming pool or spa with a water surface of less than sixty (60) square feet at reasonable times by City officials or employees, to assure compliance with the requirements of this section for the height of enclosures and reasonably non-climbable nature of enclosures, gates or doors, rigid covers, and draining, but such City official or employee shall not enter the enclosure containing a swimming pool.

15. The requirements of paragraphs 8 through 11 of this section for the height of enclosures and the reasonably non-climbable nature of enclosures, gates or doors, and proper draining shall be applicable to all swimming pools constructed prior to the effective date of the ordinance codified herein (October 22, 1998), and the owners of such swimming pools shall have sixty (60) days from and after the effective date of the ordinance codified herein to comply with these requirements. However, any swimming pool constructed prior to the effective date of the ordinance codified herein, and which is surrounded by a fence or wall at least four (4) feet in height shall be deemed to comply with the height requirements of this section.

16. All swimming pools built after the effective date of the ordinance codified herein (October 22, 1998) shall comply with all of the terms of this section.

(Ord. 138 – Apr. 99 Supp.)

166.19 ADULT ENTERTAINMENT BUSINESS REGULATIONS

1. Purpose. It is the purpose and intent of this section to regulate adult entertainment businesses in order to limit their adverse impact and detrimental secondary effects in the community while at the same time

permitting lawful businesses to conduct operations within the community. By the nature of their business, adult entertainment businesses create serious, objectionable operational characteristics, which are magnified when located in close proximity to residences, churches, schools, child care centers and parks. Special regulation of adult entertainment businesses is necessary to insure that no adverse secondary effects will contribute to the blighting or downgrading of surrounding neighborhoods and areas. These regulations are necessary to protect the minors of the community from these businesses by restricting their location and to protect the health, safety and general welfare of all the residents of the community, prevent crime, protect the City's retail trade, maintain property values and protect and reserve the quality of neighborhoods and are not to suppress the expression of unpopular views.

2. Definitions. For the purposes of this section, the following words and phrases shall have the meanings given herein.

A. "Adult booth" shall mean any area of an adult entertainment establishment that is set off from the remainder of such establishment by one or more walls, partitions or other dividers and which is used to show, exhibit, play, display or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction or description of any specified anatomical areas or the performance or simulation of any specified sexual activities.

B. "Adult cabaret" shall mean any commercial establishment that as a substantial or significant portion of its business provides any of the following:

- (1) Persons who appear nude;
- (2) Live performances that are distinguished or characterized by an emphasis on the exposure, depiction or description of a specified anatomical area or the performance or simulation of a specified sexual activity; or
- (3) Films, motion pictures, video or audio cassettes, slides, computer displays or other visual representations, recordings, imagery, illustration or depictment of any kind that are distinguished or characterized by an emphasis on the exposure, depiction or description of any specified sexual activity.

C. “Adult establishment”, “adult entertainment establishment”, or “adult entertainment business” shall mean an adult store, adult cabaret, adult theater, nude model studio, sexual encounter center, adult motel, adult amusement arcade, or escort agency.

D. “Adult material” shall mean any of the following, whether new or used:

(1) Books, magazines, periodicals, or other printed matter or digitally stored materials, films, motion pictures, video cassettes, audio cassettes, slides, computer displays or other visual or audio representations or recordings of any kind, DVD, CD, or similar item that is distinguished or characterized by an emphasis on the exposure, depiction, description, imagery or visual representation of any specified anatomical area or the performance or simulation of any specified sexual activity.

(2) Instruments, novelties, devices or paraphernalia that are designed for use in connection with specified sexual activities or that depict, describe or portray specified anatomical areas; except that this definition shall not include those items used for birth control or for the prevention of sexually transmitted diseases.

E. “Adult motel” shall mean any motel, hotel or similar business that (1) offers accommodations to the public for any form of consideration; and provides patrons with closed-circuit television transmission, telephones, motion pictures, video cassettes, slides, or other material that is characterized by the depiction or description of any specified anatomical area or any specified sexual activity; and has a sign that is visible from the public right-of-way that advertises the availability of adult materials; or (2) offers a room or suite for consideration for a period of time that is less than ten hours; or (3) allows a tenant, occupant or patron of a room or suite to sublet the room or suite for a period of less than ten hours.

F. “Adult store” shall mean any commercial establishment that (1) contains one or more adult booths, or (2) as a substantial or significant portion of its business offers for sale, rental, exchange or viewing any adult materials. Adult stores do not include commercial establishments that offer for sale, rental, exchange or viewing any adult materials as a sideline or adjunct

to sales, rentals, exchanges or viewings of materials other than adult materials.

G. “Adult theater” shall mean any commercial establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, or other visual representations, recordings, imagery, illustration or depiction of any kind that are distinguished or characterized by an emphasis on the exposure, depiction or description of any specified anatomical area or the performance or simulation of any specified sexual activity.

H. “Commercial establishment” shall mean any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

I. “Escort” shall mean a person who, for pecuniary consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease dance or otherwise perform or appear before another person while nude in or about any place of public or private resort or any private quarter or business premises.

J. “Escort agency” shall mean any person or business entity furnishing or offering to furnish, or advertising to furnish escorts as one of its business purposes, for a fee, tip or any other form of consideration.

K. “Nude model studio” shall mean any place where a person who appears nude is provided for the purpose of being sketched, drawn, painted, sculptured, photographed or similarly depicted by any other person who has paid money or any other form of consideration, barter or exchange, or for whose benefit someone else has paid money or any other form of consideration, barter or exchange, for the purpose of being allowed to observe the person appearing nude being sketched, drawn, painted, sculptured, photographed or similarly depicted. Nude model studio does not include public or private colleges or universities licensed by the State of Iowa that offer art, modeling or anatomical drawing classes.

L. “Nude or state of nudity” shall mean a state of dress or undress that exposes to view (1) less than completely and opaquely covered human genitals, pubic region, anus, or female breast below a point immediately above the top of the areola, but

not including any portion of the cleavage exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed; or (2) human male genitals in a discernibly turgid state even if completely and opaquely covered, or any device that when worn, simulates human male genitals in a discernibly turgid state.

M. “Sexual encounter center” shall mean any business or commercial establishment that, for consideration, offers (1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (2) activities between two or more persons regardless of gender when one or more of the persons is in a nude condition, or (3) where two or more persons may congregate, associate or consort in connection with specified sexual activities or specified anatomical areas, or (4) where two persons may congregate, associate, or consort, in a private room, suite, or similar enclosure, with one of the two persons modeling lingerie, dancing in a sexually suggestive manner, or some similar activity for the pleasure or entertainment of the other. Sexual encounter center does not include a gymnastic, acrobatic, athletic or similar demonstration or show.

N. “Specified anatomical area” shall mean any of the following:

(1) Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areola but not including any portion of the cleavage exhibited by a dress, blouse, leotard, bathing suit, or other wearing apparel provided the areola is not exposed;

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered or any device or covering that when worn, simulates human male genitals in a discernibly turgid state.

O. “Specified sexual activity” shall mean any of the following:

(1) The fondling or touching of one person’s human genitals, pubic region, buttocks, anus or female breasts by another person;

(2) Sex acts, normal or perverted, actual or simulated, including without limitation, cunnilingus, fellatio,

anilingus, bestiality, intercourse, oral copulation or sodomy;

(3) Masturbation, actual or simulated;

(4) Excretory or urinary functions as part of or in connection with any of the activities set forth in Subsection O(1), (2), or (3) of this definition.

P. “Substantial or significant portion of its business” shall mean that ten percent or more of the establishment’s income is derived from the sale, rental, exchange or viewing of any adult material; or ten percent or more of the establishment’s stock in trade or floor space is utilized for the display of any adult material; or that one or more persons appearing, performing or working in a state of nudity constitutes a fundamental or essential part of or attraction of the business. Regardless of the foregoing, any business establishment that advertises or holds itself out as “XXX”, “adult”, or “sex” in conjunction with adult material and/or nude appearances or performances is deemed to meet the substantial portion of its business standard.

Q. “Adult amusement arcade” shall mean an establishment having as one of its principal uses one or more of the following: customer-operated motion picture devices, peep shows, viewing area, or similar devices either coin, token or slug operated, or which in consideration of an entrance fee, displays materials distinguished or characterized by an emphasis on depictions of specified sexual acts or specified anatomical areas.

3. Adult Establishment Location Requirements.

A. Adult establishments shall only be permitted in the General Commercial District (C-2).

B. No adult establishments shall be located, established, maintained or operated on any lot or parcel that has a property line within five hundred feet of the property line of any other lot or parcel on which another adult establishment is located, established, maintained or operated; nor shall more than one adult establishment be located on any lot or parcel; nor shall any other business be located, established, maintained or operated on any lot or parcel on which an adult establishment is located, established, maintained or operated.

C. No adult establishment shall be located, established, maintained or operated on any lot or parcel that has a property line within five hundred feet of the property line of:

- (1) Any residentially zoned property;
- (2) A public or private nursery school or pre-school, a public or private elementary or secondary school;
- (3) A child care facility licensed by the State of Iowa;
- (4) A church, synagogue, mosque, or other religious facility or institution;
- (5) A public park including public recreational paths or trails;
- (6) A public or private cemetery; or
- (7) A public housing facility.

D. No adult establishment shall be located, established, maintained or operated on any lot or parcel that has a property line within five hundred feet of the public right-of-way for any arterial (or through) street in the City.

E. For purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot or parcel on which the adult establishment is located to the nearest point on the property line of uses protected in subsection C and D of this section; or the nearest point of the property line of the other adult establishment, as the case may be. It is the adult establishment's obligation to provide the City's building official with a survey acceptable and satisfactory to the building official that demonstrates the establishment meets the requirements of this section.

4. Other Legal Provisions. Adult establishments located, maintained or operated in the City shall comply, in addition to complying with all other applicable regulations set forth in this code, with all regulations set forth in this chapter. In the event of a conflict between the provisions of any other such regulations and the regulations set forth in this chapter, the regulations set forth in this chapter shall control the location of the adult establishment. Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use, which violates any provision or any statute, ordinance or regulation.

5. Adult Establishment Sign Regulations. Adult establishments shall comply with the sign regulations of Chapter 168 of the Code of Ordinances. Such establishments shall also comply with the following regulations:

A. Signage. All signs for adult establishments shall be flat wall signs. The maximum allowable sign area shall be one square foot of sign area per foot of lot frontage on the street, but under no circumstances may a sign exceed thirty-two square feet. The maximum number of signs shall be one per lot frontage. Signs otherwise permitted pursuant to this subsection shall contain only (1) the name of the adult establishment conducting business on the premises, and/or (2) the specific type of adult entertainment being conducted on the premises.

B. Exterior display. No adult establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any public rights-of-way or private property other than the lot or parcel on which the adult establishment is located. No portion of the exterior of an adult establishment shall utilize or contain flashing lights, search lights, spotlights, or other similar lighting systems; or any words, lettering, photographs, silhouettes, drawings or pictorial representations of any manner except to the extent allowed pursuant to subsection A of this section with regard to signs. This subsection shall apply to any advertisement, display, promotional material, decoration, sign, performance, show, and to any window, door or other opening to the adult establishment.

(Section 166.19 – Ord. 207 – Nov. 04 Supp.)

[The next page is 675]

CHAPTER 167

ZONING CODE — DISTRICT REGULATIONS

167.01 “R-1” District Regulations
167.02 “R-1-A” District Regulations
167.03 “R-2” District Regulations
167.04 “R-3” District Regulations
167.05 “C-1” District Regulations
167.06 “C-2” District Regulations
167.07 “C-3” District Regulations
167.08 “C-4” District Regulations
167.09 “CI” District Regulations
167.10 “A-1” District Regulations

167.11 Planned Unit Development District
167.12 Oak Creek Planned Unit Development
167.13 Windcrest Planned Unit Development
167.14 Granger Hill Planned Unit Development
167.15 Ironwood Estates Planned Unit Development
167.16 Ironwood Estates Conservancy Planned Unit Development
167.17 Landing at Oxley Creek West Planned Unit Development

167.01 “R-1” DISTRICT REGULATIONS. The regulations set forth in this section and other applicable sections of this Zoning Code apply in the “R-1” Single-Family Residential District.

1. Use Regulations. A building or premises shall be used only for the following purposes:

A. Principal Permitted Uses:

- (1) A single-family dwelling on each lot or building site.
- (2) Churches and similar places of worship; public and private schools; and public libraries.
- (3) Public or private parks, playgrounds, golf courses, and other outdoor recreational facilities which are commonly but not necessarily, operated on a nonprofit basis; however, amusement parks, golf-driving ranges, golf miniature putting courses, normally operated for profit and employing manufactured or constructed facilities of an unnatural or nonenvironmental design shall be excluded.

(Paragraphs 4 & 5 Repealed by Ord. 184 – Oct-03 Supp.)

B. Accessory Uses:

- (1) Normal accessory buildings and structures for a dwelling such as: private garages, swimming pools, children’s playhouses (shall not be used for dwelling purposes), radio and television receiving antennas, antennas, barbecue pits, playground equipment, tennis courts, etc.

(2) Normal accessory buildings and structures for public recreation areas such as: refreshment stands, playground equipment, all-weather shelters, tennis courts, barbecue pits, etc.

(3) Domestic animals such as: Cats, dogs, birds, tropical fish, etc., which are normally allowed to run free or are housed within the dwelling. Horses, cows, swine, sheep, chickens and other similar fowl, etc. normally considered farm or wild and untamed animals or fowl shall be excluded except as otherwise provided for in this Zoning Code.

(4) Greenhouses and horticultural nurseries for noncommercial gain.

(5) Home occupations as defined in Section 165.03(57), provided such home occupation does not generate traffic, noise, odors, or pollutants which would be objectionable to the surrounding residences.

2. Maximum Height Regulations. No principal building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.

3. Lot Area, Frontage and Yard Requirements. The following table shows requirements in the “R-1” District.

LOT AREA, FRONTAGE AND YARD REQUIREMENTS		
	For Dwellings	For Non-Dwellings
Lot area	10,000 square feet	one acre
Lot frontage	80 feet	150 feet
Front yard depth	30 feet	50 feet
Side yard least width any side	10 feet	25 feet
Width minimum sum of both side yards	20 feet	50 feet
Rear yard depths	35 feet	50 feet

4. Off-street Parking Regulations. There shall be two (2) parking spaces for each dwelling unit, exclusive of private garages.

167.02 “R-1-A” DISTRICT REGULATIONS. The regulations set forth in this section and other applicable sections of this Zoning Code apply in the “R-1-A” Single-Family Residential District.

1. Use Regulations. A building or premises shall be used only for the following purposes:
 - A. Principal Permitted Uses: Any use permitted in the “R-1” District, providing such use shall comply with the minimum requirements of the “R-1-A” District.
 - B. Accessory Uses. Any accessory use permitted in the “R-1” District providing such use shall comply with the minimum requirements of the “R-1-A” District.
2. Maximum Height Regulations. No principal building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.
3. Lot Area, Frontage and Yard Requirements. The following table shows requirements in the “R-1-A” District.

LOT AREA, FRONTAGE AND YARD REQUIREMENTS		
	For Dwellings	For Non-Dwellings
Lot area	8,000 square feet	one acre
Lot frontage	70 feet	150 feet
Front yard depth	30 feet	50 feet
Side yard least width any side	7 feet	25 feet
Width minimum sum of both side yards	15 feet	50 feet
Rear yard depths	35 feet	50 feet

4. Off-street Parking Regulations. There shall be two (2) parking spaces for each dwelling unit, exclusive of private garages.

167.03 “R-2” DISTRICT REGULATIONS. The regulations set forth in this section and other applicable sections of this Zoning Code apply in the “R-2” Low Density Multi-Family Residential District.

1. Use Regulations. A building or premises shall be used only for the following purposes:

A. Principal Permitted Uses.

(1) Any use permitted in the “R-1” District providing such use shall comply with the minimum requirements of the “R-2” District.

(2) Two family dwellings.

(3) Multi-family dwellings not exceeding three (3) units per principal building when a part of a Garden Apartment or Town House Residential Complex of two or more such buildings and providing such complex shall not exceed eight (8) dwelling units per acre lot area; provided, however, that on lots of one-half acre or less in size, the number of units shall not exceed a density of eight (8) dwelling units per one-half acre lot area.

(Ord. No. 120 – Nov-95 Supp.)

(Paragraph 4 Repealed by Ord. 184 – Oct-03 Supp.)

B. Accessory Uses.

(1) Any use permitted in the “R-1” District providing such use shall comply with the minimum requirements of the “R-2” District.

(2) Playground areas and equipment accessory to multi-family dwellings.

(3) Multi-family entertainment and service centers, providing such areas shall not be located to the front of the principal building at ground level or above and such areas shall be screened from public view.

(4) Storage garage accessory to the principal building.

2. Maximum Height Regulations. No principal building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.

3. Lot Area, Frontage and Yard Requirements. The following table shows requirements in the “R-2” District.

4. Site Plans. *(Repealed by Ord. 245 – Feb. 08 Supp – see Chapter 158.)*

LOT AREA, FRONTAGE AND YARD REQUIREMENTS			
	One, Multi-family & Townhouses	For Duplex and Triplex	For Non-Dwellings
Lot area	7,000 square feet	10,000 square feet	one acre
Lot frontage	50 feet	80 feet	150 feet
Front yard depth	30 feet	30 feet	50 feet
Side yard least width any side	5 feet†	10 feet	25 feet
Width minimum sum of both side yards	10 feet	20 feet	50 feet
Rear yard depths	35 feet	35 feet	50 feet
† The side yard least width on any one side for townhouses shall, however, be zero feet.			

5. Off-street Parking Regulations. For each one (1) family dwelling unit, there shall be two (2) parking spaces for each dwelling unit, exclusive of private garages. For a two (2) or three (3) family dwelling, there shall be two (2) parking spaces for each dwelling unit. One (1) garage parking space may be counted as a parking space in fulfillment of the parking requirements.

167.04 “R-3” DISTRICT REGULATIONS. The regulations set forth in this section and other applicable sections of this Zoning Code apply in the “R-3” Multi-Family Residential District.

1. Use Regulations. A building or premises shall be used only for the following purposes:

A. Principal Permitted Uses.

(1) Any use permitted in the “R-2” Residential District providing such use shall comply with the minimum requirements of the “R-3” District.

(2) Multiple-family apartment buildings designed for more than two (2) dwelling units providing such use shall not exceed sixteen (16) dwelling units per acre of lot area, and twenty-four (24) dwelling units for each building.

(3) Nursing or convalescent homes.

(Ord. 184 – Oct-03 Supp.)

B. Accessory Uses.

(1) Any use permitted in the “R-2” Residential District providing such use shall comply with the minimum requirements of the “R-3” District.

(2) Retail shops and refreshment stands accessory to principal buildings of subsection (A)(2) (Apartment buildings) of this section; provided, however, there shall be no access to such place of retail shop except from the inside of the principal building or internal courtyard, nor shall any display of stock, goods or advertising for such be so arranged that it can be viewed from outside the principal building.

2. Height Regulations. No principal building shall exceed three (3) stories or thirty-five (35) feet in height, at the required front, side and rear yard building lines.

3. Lot Area, Frontage and Yard Requirements. The following table shows requirements in the “R-3” District.

LOT AREA, FRONTAGE AND YARD REQUIREMENTS	
	All Uses
Lot area	10,000 square feet
Lot frontage	80 feet
Front yard depth	30 feet
Side yard least width any side	10 feet
Width minimum sum of both side yards	20 feet
Rear yard depths	35 feet

4. Building Floor Area to Lot Area Ratio Requirements. The building floor area ratio shall not exceed the following:

HEIGHT OF BUILDING	TOTAL FLOOR AREA TO LOT AREA RATIO
1 story	0.30
2 story	0.50
3 story	0.60

5. Off-Street Parking Regulations. For each one (1) and two (2) family dwelling unit, there shall be two (2) parking spaces for each dwelling unit, exclusive of private garages. For a multi-family dwelling, there shall be two (2) parking spaces for each dwelling unit.
6. Open Space Regulations. On each lot there shall be provided an open space equal to at least twenty (20) percent of the total lot area, said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used as pedestrian walks and ingress-egress drives; and ingress-egress drives shall not exceed two (2) twenty (20) foot lanes which are separated by open space.
7. Buffers Required. Buffers may be required in accord with Section 166.15 of this Zoning Code.
8. Site Plans. *(Repealed by Ord. 245 – Feb. 08 Supp – see Chapter 158.)*

167.05 “C-1” DISTRICT REGULATIONS. The regulations set forth in this section and other applicable sections of this Zoning Code apply in the “C-1” Limited Commercial District. For the purpose of this section, a “C-1” District is defined as a Commercial District adjacent to a Residential District, and in which the permitted retail business uses are normally required for the needs, convenience and general benefit to the residents of the locality.

1. Use Regulations. A building or premises shall be used only for the following purposes:

A. Principal Permitted Uses:

- (1) Local retail business or service establishments such as the following:

- Apparel shops, infant, teenage and adult
- Art goods, and bric-a-brac shops
- Bakery, whose products are sold only at retail and only on the premises
- Banks, including drive-in teller service
- Barber shop or beauty shop
- Candy shops, retail sales only
- Clothes cleaning and laundry pickup stations
- Collection office of a public utility
- Dairy store, retail sales only
- Drug store
- Florist shop, retail sales only
- Gift shop

Grocery, delicatessen or meat market, except those dealing in live
 poultry
 Haberdashery
 Household goods hardware store
 Ice cream parlor
 Launderette
 Paint and wallpaper store
 Pet shop
 Post office substation
 Radio and television sales and repair
 Restaurants
 Shoe repair shops
 Soda fountain and café
 , providing no alcoholic beverages may be served or sold
 Variety store

(2) Professional and semi-professional office buildings
for the following:

Abstract and title
 Accountants and bookkeeping
 Actuaries
 Advertising (no shops)
 Adjusters (insurance)
 Aerial survey and photography
 Appraisers – no sale or rental of any type of merchandise or
 equipment
 Art Studios/Art Galleries
 Attorneys
 Auditors
 Business analysts – counselors or brokers
 Building contractors, office only (no shops or storage)
 Chiropodists
 Chiropractors
 Consultants
 Counseling, child guidance and family service
 Court reporter, public stenographer
 Credit reporting
 Dentist
 Detective agencies and investigating service
 Drafting and plan service
 Engineers, professional
 Insurance and bonds
 Manufacturers agents
 Market research
 Medical doctors
 Model agencies (no school)
 Mortgage broker
 Notary public
 Optician
 Optometrist
 Public libraries
 Public relations
 Real estate
 Real estate management

Secretarial service
 Shoppers information service
 Social service bureau
 Stock broker exchange – investment service
 Tax consultants
 Telephone answering service
 Theater ticket agencies
 Travel agencies
 Zoning consultants

(3) Any other similar retail business, service establishment, or professional office use which is found by the Zoning Administrator to be a use similar to one of the above named uses and, in his or her opinion, conforms to the intent of this section.

(Ord. 184 – Oct-03 Supp.)

B. Accessory Uses.

(1) Any accessory uses permitted in the “R-3” District providing such use shall comply with the minimum requirements of the “C-1” District.

(2) Storage or merchandise incidental to the principal use, but not to exceed a floor area which is equal to forty (40) percent of the floor area used by the principal use, and such storage shall be wholly contained within the principal building.

(3) Outside display areas, outside storage areas, etc. shall not occupy any portion of required yard areas, open space, parking areas, etc., and shall be screened from public thoroughfare and adjacent property view. Temporary displays and restricted permanent displays instrumental to the conduct of the principal use may be permitted by special permit; provided, however, such permit shall be specifically limited to those displays which do not detract or which augment the aesthetic character of the general area.

2. Height Regulations. No principal building shall exceed thirty-five (35) feet in height.

3. Lot Area, Frontage and Yard Requirements. Any “R-3” use shall be as specified in the “R-3” District. For all other permitted uses, the following table shows requirements in the “C-1” District.

LOT AREA, FRONTAGE AND YARD REQUIREMENTS	
	All Uses
Lot area	6,500 square feet
Lot width	50 feet
Front yard depth	45 feet
Side yard least width	None required except adjoining any “R” District in which case not less than 25 feet†
Rear yard depths	25 feet
†All yards abutting a public thoroughfare shall be considered front yards and shall comply with the requirements for a front yard.	

4. Off-street Parking Regulations. Off-street parking requirements are governed by Section 166.14 of this Zoning Code.

5. Open Space Requirements. All buildings and land use shall comply with the following: On each lot there shall be provided an open space equal to at least twenty (20) percent of the total lot area; said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used as pedestrian walks and ingress-egress drives; and ingress-egress drives shall not exceed two (2) twenty (20) foot lanes which are separated by open space.

6. Buffers Required. Buffers may be required in accord with Section 166.15 of this Zoning Code.

7. Site Plans. (*Repealed by Ord. 245 – Feb. 08 Supp – see Chapter 158.*)

167.06 “C-2” DISTRICT REGULATIONS. The regulations set forth in this section and other applicable sections of this Zoning Code apply in the “C-2” General Commercial District.

1. Use Regulations. A building or premises shall be used only for the following purposes:

A. Principal Permitted Uses.

(1) General retail business and service establishments such as the following:

Animal hospital, veterinary clinic or kennel; providing any exercising runway or pasture shall be at least two hundred (200) feet from any “R” or “C-1” District
 Automobile, trailer and farm implement establishment for display, hire, sales and minor repairs, including sales lots
 Automotive body and fender repair shop
 Automotive repair garage
 Bakeries
 Ballrooms and dance halls
 Billiard parlors and pool halls
 Bowling alleys
 Business, commercial, dancing and music schools
 Carpenter and Cabinet shops
 Clothes dry cleaning and/or dyeing establishments, using flammable cleaning fluids with a flash point higher than 100 degrees Fahrenheit
 Drive-in eating and drinking establishments, summer gardens, and road houses, including entertainment and dancing provided the principal building is distant at least two hundred (200) feet from any “R” District
 Grain and animal feed, storage and sales
 Ice storage and distributing station of not more than five (5) ton capacity
 Locker plants for storage and retail only
 Lumber yards, retail, but not including any millwork, manufacturing, fabricating or wholesale operations
 Mobile home parks
 Motels and auto courts
 Night clubs
 Plumbing, heating and air conditioning shops
 Printing shops and bookbinding not employing more than ten (10) employees, and not to include more than two (2) twelve inch (12”) job presses
 Radio or TV broadcasting stations, studios and offices but not towers in excess of one hundred (100) feet
 Sign painting shop
 Taverns

(Ord. 184 – Oct-03 Supp.)

B. Accessory Uses. Accessory uses permitted in the “C-1” District.

2. Height Regulations. No principal building shall exceed forty-five (45) feet in height.
3. Lot Area, Frontage and Yard Requirements. The following table shows requirements in the “C-2” District. *(Ord. 184 – Oct-03 Supp.)*

LOT AREA, FRONTAGE AND YARD REQUIREMENTS	
	All Uses
Lot area	6,500 square feet
Lot width	50 feet
Front yard depth	45 feet
Side yard least width	None required except adjoining any “R” District in which case not less than 25 feet†
Rear yard depths	25 feet
†All yards abutting a public thoroughfare shall be considered front yards and shall comply with the requirements for a front yard.	

4. Off-street Parking Regulations. Off-street parking requirements are governed by Section 166.14 of this Zoning Code.
5. Open Space Requirements. All buildings and land use shall comply with the following: On each lot there shall be provided an open space equal to at least twenty (20) percent of the total lot area; said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used as pedestrian walks and ingress-egress drives; and ingress-egress drives shall not exceed two (2) twenty (20) foot lanes which are separated by open space.
6. Buffers Required. Buffers may be required in accord with Section 166.15 of this Zoning Code.
7. Site Plans. *(Repealed by Ord. 245 – Feb. 08 Supp – see Chapter 158.)*

167.07 “C-3” DISTRICT REGULATIONS. The regulations set forth in this section and other applicable sections of this Zoning Code apply in the “C-3” Central Business and Commercial District.

1. Use Regulations. A building or premises shall be used only for the following purposes:

A. Principal Permitted Uses.

(1) Any use permitted in the “C-1” District, “C-2” District and “R-3” District, except one and two family residential dwellings, and providing such use shall comply with the minimum requirements of the “C-3” District.

(2) Manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises.

(3) Printing or publishing houses.

B. Accessory Uses. Accessory uses permitted in the “C-1” District and “C-2” District.

(Ord. 184 – Oct-03 Supp.)

2. Height Regulations. No principal building shall exceed forty-five (45) feet in height.

3. Lot Area, Frontage and Yard Requirements. Requirements for dwellings shall be the same as specified in the “R-2” District. Requirements for motels and auto courts shall be the same as specified in the “C-2” District. For all other permitted uses, the following table shows requirements in the “C-3” District.

LOT AREA, FRONTAGE AND YARD REQUIREMENTS	
	All Uses
Lot area, lot width and front yard depth	None required unless the proposed right-of-way of a thoroughfare shown on the Official Major Street Plan, in which case the building setback line shall be the proposed right-of-way line
Side yard least width	None except adjacent to an “R” District in which case not less than 10 feet
Rear yard depths	None except abutting an “R” District, in which case not less than 25 feet

4. Buffers Required. Buffers may be required in accord with Section 166.15 of this Zoning Code.

5. Site Plans. *(Repealed by Ord. 245 – Feb. 08 Supp – see Chapter 158.)*

6. Single-Family Residential Dwelling. Other provisions of Section 166.04 and this section of the Code of Ordinances to the contrary notwithstanding, any single-family residential dwelling used for residential purposes on or before January 1, 1990, and thereafter converted to commercial purposes, may be reconverted from commercial to residential purposes. *(Ord. 212 – Nov. 04 Supp.)*

7. Multi-Family Residential Dwellings. Other provisions of Section 166.04 and this section of the Code of Ordinances to the contrary notwithstanding, any multiple-family apartment buildings designed for more than two (2) dwelling units may, in the event of damage to an extent of fifty percent (50%) or more of its fair market value, be restored or reconstructed and used as a multiple-family apartment building for more than two (2) dwelling units. *(Ord. 263 – Dec. 08 Supp.)*

167.08 “C-4” DISTRICT REGULATIONS. The regulations set forth in this section and other applicable sections of this Zoning Code apply in the “C-4” Highway Commercial District.

1. Use Regulations. A building or premises shall be used only for the following purposes:

A. Principal Permitted Uses.

- (1) Any use permitted in a “C” District.
- (2) Motor freight terminals and related facilities.
- (3) Warehousing.
- (4) Assembly of products.
- (5) Light commercial enterprises.

B. Accessory Uses. Accessory uses permitted in a “C” District.

(Ord. 184 – Oct-03 Supp.)

2. Required Conditions. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, offensive or pollute the air or water due to the emission of cinders, dust, particulate matter, gas fumes, noise, odor, smoke, refuse matter or water-carried waste. In the assembly of products, all partially assembled and fully assembled components must all be stored within a building.

3. Height Regulations. No principal building shall exceed thirty (30) feet in height.

4. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed.

LOT AREA, FRONTAGE AND YARD REQUIREMENTS	
	All Uses
Lot area	15,000 square feet
Lot width	100 feet
Front yard depth	45 feet
Side yard least width	25 feet †
Rear yard depths	25 feet
†All yards abutting a public thoroughfare shall be considered front yards and shall comply with the requirements for a front yard. For the purpose of complying with the foregoing minimums, any parcels of real estate on opposite sides of a street right-of-way which are owned by the same titleholder and utilized in the same commercial enterprise shall be considered as one parcel.	

5. Off-street Parking Requirements. Off-street parking requirements are governed by Section 166.14 of this Zoning Code, provided, however, that any owner who plans the construction of 3,000 or more square feet of off-street parking may make application to the Plan and Zoning Commission for the scheduling over a period of up to five years of the surfacing of the area with asphaltic or portland cement concrete pavement. The scheduling over a period of years of the surfacing of such off-street parking areas shall apply only to the internal parking needs of the employees of the commercial enterprise and not to the parking needs of its customers and the public. The Commission shall make its written recommendations on such scheduling to the Council, which may accept, reject or modify the recommendations.

6. Open Space Requirements. All buildings and land use shall comply with the following: On each lot or parcel there shall be provided an open space equal to at least twenty percent (20%) of the total lot or parcel area; said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used as pedestrian walks and ingress-egress drives; and ingress-egress drives shall not exceed two (2) twenty (20) foot lanes which are separated by open space. On parcels greater than three (3) acres in size, upon application by the owner, the Plan and Zoning Commission may recommend to the Council, in connection with the approval of a landscaping plan, a reduction in the required open space requirements to less than twenty percent (20%), but at least ten percent (10%). The Council may accept, reject or modify the recommendation. For purposes of complying with the foregoing requirements, any parcels of real estate on opposite sides of a street right-of-way which are owned by the same titleholder and utilized in the same commercial enterprise shall be considered as one parcel.

7. Buffers Required. Buffers may be required in accord with Section 166.15 of this Zoning Code.

8. Site Plans. *(Repealed by Ord. 245 – Feb. 08 Supp – see Chapter 158.)*

167.09 “CI” DISTRICT REGULATIONS. The regulations set forth in this section and other applicable sections of this Zoning Code apply in the “CI” Commercial Light Industrial District.

1. Statement of Intent. The Commercial Light Industrial District is intended and designed to provide for areas within the City deemed appropriate for value added and manufacturing processes of various intensities needed by the business and technology population of a local, state, and national level while promoting the quality of life, health, and general welfare desired by the citizens of the City. The development will incorporate high-quality materials in unique designs with substantial buffering and the incorporation of trees, shrubs, and other plant materials. It shall be generally recognized that the type of use is not so important as the manner in which the use is accomplished. It is intended that the District shall not be used indiscriminately to permit any use that could potentially be detrimental to the intent of the Zoning Code. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, vibrations, refuse matter or waste. The best practical means known for disposal of refuse material, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance shall be employed.

2. Use Regulations. A building or premises shall be used only for the following purposes:

A. Principal Permitted Uses.

- (1) Any use permitted in a “C” District.
- (2) Automobile Assembly and Repair.
- (3) Contractor’s Equipment Storage Yard or Plant Storage Yard for Vehicles of a Delivery or Driving Service.
- (4) Furniture Manufacturing.
- (5) Manufacture and Repair of Electric Signs, Advertising Structures, Light Sheet Metal Products, including Heating and Ventilating Equipment.
- (6) Manufacture of Musical Instruments, Novelties and Molded Rubber Products.
- (7) Manufacture of Pottery or Other Similar Ceramic Products, using only previously pulverized clay and kilns fired only by electricity or gas.
- (8) Manufacture or Assembly of Electrical Appliances, Instruments and Devices.

(9) Manufacturing, Compounding, Assembling, or Treatment of Article or Merchandise from Previously Prepared Materials such as Bone or Cloth, Cork, Fiber, Leather, Paper, Plastics, Metals, Precious Stones, Tobacco, Wax, Yarns, and Wood.

(10) Any other similar commercial light industrial use which is found by the Zoning Administrator to be a use similar to one of the above-named uses and, in his or her opinion, conforms to the intent of this section.

3. Height Regulations. No principal building shall exceed thirty (30) feet in height.

4. Lot Area, Frontage, and Yard Requirements. The following minimum requirements shall be observed.

LOT AREA, FRONTAGE AND YARD REQUIREMENTS	
	All Uses
Lot area	15,000 square feet
Lot width	100 feet
Front yard depth	45 feet
Side yard least width	25 feet †
Rear yard depth	25 feet
†All yards abutting a public thoroughfare shall be considered front yards and shall comply with the requirements for a front yard. For the purpose of complying with the foregoing minimums, any parcels of real estate on opposite sides of a street right-of-way which are owned by the same titleholder and utilized in the same commercial enterprise shall be considered as one parcel.	

5. Off-Street Parking Requirements. Off-street parking requirements are governed by Section 166.14 of this Zoning Code, provided, however, that any owner who plans the construction of 3,000 or more square feet of off-street parking may make application to the Plan and Zoning Commission for the scheduling over a period of up to five years of the surfacing of the area with asphaltic or portland cement concrete pavement. The scheduling over a period of years of the surfacing of such off-street parking areas shall apply only to the internal parking needs of the employees of the commercial enterprise and not to the parking needs of its customers and the public. The Commission shall make its written recommendations on such scheduling to the Council, which may accept, reject or modify the recommendations.

6. Open Space Requirements. All buildings and land use shall comply with the following: On each lot or parcel there shall be provided

an open space equal to at least twenty percent (20%) of the total lot or parcel area; said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used as pedestrian walks and ingress-egress drives; and ingress-egress drives shall not exceed two (2) twenty (20) foot lanes which are separated by open space. On parcels greater than three (3) acres in size, upon application by the owner, the Plan and Zoning Commission may recommend to the Council, in connection with the approval of a landscaping plan, a reduction in the required open space requirements to less than twenty percent (20%), but at least ten percent (10%). The Council may accept, reject or modify the recommendation. For purposes of complying with the foregoing requirements, any parcels of real estate on opposite sides of a street right-of-way which are owned by the same titleholder and utilized in the same commercial enterprise shall be considered as one parcel.

7. Buffers Required. Buffers may be required in accord with Section 166.15 of this Zoning Code.

8. Site Plans. *(Repealed by Ord. 245 – Feb. 08 Supp – see Chapter 158.)*

9. Outdoor Storage Areas. Outside storage areas for product, materials, and supplies are permitted, following Site Plan approval. Outside storage areas shall provide an opaque screening wall completely screening the enclosed material. Adequate landscaping and screening shall be provided to reduce visibility to the adjoining property owners. Slats in chain-link fencing shall not be deemed as acceptable alternative to privacy fencing. An approved granular or hard surface area may be required for any outdoor storage area.

(Section 167.09 – Ord. 221 – Dec. 05 Supp.)

167.10 “A-1” DISTRICT REGULATIONS. The regulations as set forth in this section and other applicable sections of this Zoning Code apply in the “A-1” Agricultural District.

1. Use Regulations. A building or premises shall be used only for the following purposes.

A. Principal Permitted Uses.

(1) Agriculture and the usual agriculture buildings and structures.

(2) Truck gardening and nurseries, provided that no permanent dwelling units shall be erected thereon unless the tract contains ten (10) or more acres.

- (3) Mining and extracting of minerals or raw material, subject to prior recommendation from the Plan and Zoning Commission and approval by the City Council.
- (4) Forest and forestry.
- (5) Public or private parks, playgrounds, golf courses, and other outdoor recreational facilities which are commonly, but not necessarily, operated on a nonprofit basis; however, amusement parks, golf driving ranges, golf miniature putting courses, normally operated for profit and employing manufactured or constructed facilities of an unnatural or nonenvironmental design shall be excluded.
- (6) Any use erected or maintained by a public agency.
- (7) Public utility structures and equipment necessary for the operation thereof.
- (8) Transmitting stations and towers.
- (9) Dumping of noncombustible materials for land fill purposes by Special Use Permit, provided materials are not hazardous.

B. Accessory Uses.

- (1) Accessory buildings and uses customarily incident to any of the above uses.
- (2) Bulletin boards and signs pertaining to the lease, hire or sale of a building or premises, or signs pertaining to any material that is grown, or treated within the District; provided however, that such signs shall be located upon or immediately adjacent to the building or in the area in which such materials are treated, processed, or stored.

2. Height Regulations. Any building hereafter erected or structurally altered may be erected to any height not in conflict with any other provision of the Code of Ordinances.

3. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed in the “A-1” District.

LOT AREA, FRONTAGE AND YARD REQUIREMENTS	
	All Uses
Lot area	10 acres
Lot width	200 feet
Front yard depth	50 feet
Side yard least width on any one side	50 feet
Rear yard depths	50 feet
Width minimum sum of both side yards	100 feet

4. Buffers Required. Buffers may be required in accord with Section 166.15 of this Zoning Code.
5. Site Plans. (*Repealed by Ord. 245 – Feb. 08 Supp – see Chapter 158.*)

167.11 PLANNED UNIT DEVELOPMENT DISTRICT. The Planned Unit Development (P.U.D.) District is established for well-planned developments that conform with the intent of the Comprehensive Plan. Although such developments may appear to deviate in certain aspects from a literal interpretation of the Comprehensive Plan, the Planned Unit Development District and its accompanying guidelines and regulations are intended to allow freedom of design in order to promote developments which will be an asset to the City, by equaling or surpassing the quality of developments resulting from the application of more conventional zoning regulations.

1. The Planned Unit Development District is designed to:
 - A. Flexibility. Promote and permit flexibility that will encourage a more creative and imaginative approach in development which results in a more efficient, aesthetic, desirable and economic use of land, while maintaining the density and intensity of use.
 - B. Adjacent and Existing Development. Provide minimal effect upon adjacent properties and existing development.
 - C. Utilities. Promote development that can be conveniently, efficiently, and economically served by existing municipal utilities and services or by their logical extensions.
 - D. Special Site Features. Promote flexibility in design, placement of buildings, and use of open space, pedestrian and vehicular circulation facilities, and off-street parking areas in a manner that will best utilize the potential of sites characterized by special features of geography, geology, topography, size or shape.
 - E. Natural and Historic Features. Provide, where it is shown to be in the public interest, for the preservation of historical features and such natural features as streams, drainageways, floodplains, ponds, lakes, topography, rock outcroppings, unique areas of vegetation, stands of trees and other similar natural assets.
 - F. Recreational Facilities. Provide for more adequate recreational facilities and other public and common facilities than would otherwise be provided under conventional land development.

- G. Natural Setting. Provide for the enhancement of the natural setting through careful and sensitive placement of manmade facilities and plant materials.
2. Review Application Procedure. The reviewing and processing of any proposed Planned Unit Development shall be in two steps:
- A. Pre-Application. Pre-Application conference with sketch.
 - B. Application. Application for Planned Unit Development.
3. Pre-Application Sketch. In order to eliminate unnecessary expenditures of time and funds, the developer shall present to the City Clerk for submission to the City Engineer a pre-application sketch plan. The City Engineer will involve any City personnel necessary. This sketch should show the generalized overall plan for development of the proposed Planned Unit Development area. Included as part of the overall sketch plan should be the following elements:
- A. Site. Location and size of site.
 - B. Topography. Existing topography with major earthwork areas, major storm water runoff considerations, and problem drainageway areas indicated.
 - C. Environmental Characteristics. Existing tree masses and other geological and environmentally important characteristics.
 - D. Traffic and Parking. Generalized vehicular and pedestrian systems and parking areas.
 - E. Buildings. Generalized building locations.
 - F. Density. Approximate gross density, and number and types of dwelling units and the approximate gross floor areas of commercial and industrial land uses.
 - G. Utilities. Generalized utility line consideration with sanitary sewer capacity limitations so noted.
 - H. Lot Ownership. Generalized public and private ownership boundaries, including common ownership areas, if any.
 - I. Sun and Wind. Generalized building locations shall reflect that consideration be given to the positive and negative effects of sun and wind.
 - J. Schedule. Generalized flow chart indicating construction schedule.

The City Engineer shall have fifteen (15) days in which to review and comment on the pre-application sketch plan, and then shall conduct a pre-application conference with the developer.

4. Application for Planned Unit Development Plan Approval. After the pre-application conference, application for the Planned Unit Development plan approval shall be made to the Council. The Council shall refer the application to the Plan and Zoning Commission for review and recommendation. Such recommendation shall be forwarded to the Council within forty-five (45) days of referral. Upon written request and approval by the Council an additional forty-five (45) days may be granted for a recommendation. All technical assistance to the Plan and Zoning Commission on the application shall be coordinated by the City Engineer. The application shall include the following written and visual materials: (Copies shall be supplied by the developer in sufficient number as the City deems necessary.)

A. Statement and Fee.

(1) A written statement concerning the proposed development, including the nature of the project, proposed land uses, building types, density ranges, and description of the open space and recreational system.

(2) A filing fee of fifty dollars (\$50.00) shall be paid to the Clerk to cover the Commission's and Council's review of the application. All costs in excess of five hundred dollars (\$500.00) incurred by the City in the pre-application and application phases of review shall be paid and reimbursed to the City by the developer.

B. Plan. A site development plan containing the following:

(1) Legal description of the total site being developed along with the name(s) of the owner(s) and seal of the registered land surveyor making the plat.

(2) A topographical survey of the site at an interval of not more than one (1) foot, unless characteristics of the site indicate a greater or shorter interval appears appropriate.

(3) Dimensions and bearings of external property boundaries.

(4) The location of all existing structures, easements, utilities, proposed utilities, and public dedications either contained upon or adjacent to the site.

(5) The existing and proposed public and/or private street and sidewalk system.

- (6) A statement of quantitative data including total number and types of structures to be constructed on the site, individual parcel sizes, lot coverages, gross and net residential densities, areas reserved for open space and recreation, and off-street parking areas.
 - (7) A statement addressing the positive and negative effects of sun and wind on the building locations.
 - C. Site. Site supporting information shall include, as appropriate:
 - (1) Any water course areas.
 - (2) Unique natural features.
 - (3) Unique historical sites.
 - (4) General vegetation cover.
 - (5) Soil suitability.
 - D. Landscaping. A landscape plan delineating the proposed treatment of the site. The plan shall be supplemented with a written "Statement of Intent" of the plan and how the intent is to be realized.
 - E. Plans. Representative floor plans and exterior elevations of proposed structures and buildings.
 - F. Schedule. A flow chart indicating the approximate phasing and construction timetable.
- 5. Council Action on Planned Unit Development Application. The Council shall conduct a public hearing on the application and then shall by resolution grant approval of, or reject, the Planned Unit Development application. If the application is rejected, the Council will advise the owner or developer of any changes which are desired, or should have consideration, before approval will be given. Upon approval of the application, a certified copy of the resolution of approval signed by the Mayor and attested by the Clerk shall be attached to the original application. Notice of the public hearing shall be published pursuant to the provisions of State law.
- 6. Design Standards. Even though Planned Unit Developments promote and permit flexibility of design, certain standards must be applied to assure compatibility of the project with the intent of the Zoning Code. These standards include:
 - A. Permitted Uses. Normal permitted uses are those of a residential character including single-family (detached or attached), two-family and/or multiple-family dwellings and the usual accessory buildings, such as garages, storage space,

maintenance structures, and buildings for recreational purposes. Commercial uses may be located with residential buildings. However, if such commercial uses are proposed to be contained within a separate free-standing structure:

- (1) It must be so designed to reflect the residential character of the development; and
- (2) It may contain an identification sign no more than four (4) square feet, placed flush on one wall and generally not observable from the periphery of the development.

(Ord. 156 – Jul-00 Supp.)

B. Density. The permitted maximum dwelling unit density shall not exceed what is allowable in the zoning district in which the Planned Unit Development is constructed. Where a Planned Unit Development is proposed and is contained within two or more zoning districts, density shall be determined by adding the maximum dwelling units allowable for each proportional part.

C. Tract Size. There is no minimum tract size.

D. Parking. All parking must meet the requirements of the zoning district in which the Planned Unit Development is constructed. Where a Planned Unit Development is proposed and is contained within two or more zoning districts, parking requirements shall be determined by the Council, but shall not be any less restrictive than the existing requirements in the zones in which the Planned Unit Development is constructed. Parking lot design consideration shall be as follows:

- (1) Parking areas shall be treated as an integral part of the development in scale, location and character.
- (2) Parking areas shall be arranged to discourage through traffic.
- (3) As appropriate, parking areas shall be screened from adjacent structures and streets with hedges, plantings, fences, earth berms, changes in grade, and/or similar buffers.
- (4) Parking areas shall be designed to allow for the drainage of surface water without erosion, flooding, and other inconveniences.

E. Height. There shall be no maximum height requirement. However, heights shall be regulated to the extent that it relates to the proposed development and to the general area within which the development is proposed to be located.

F. Open Space. A major portion of any Planned Unit Development is its open space provisions, the integration of which is closely tied to the total development. However, no quantitative standards are established in this section. Quality standards acknowledge the separate and multiple functions of open preservation of natural site amenities. In designing the Planned Unit Development, consideration shall be given to such functions. All land in the Planned Unit Development indicated as common land and common open space shall be maintained by one of the following methods:

(1) If the land is deeded to a Homeowner's Association, the developer shall file a declaration of covenants and restrictions that will govern the association, which shall be submitted with the application for the Planned Unit Development. The provisions shall include, but not be limited to:

(a) The Homeowner's Association must be established before the dwellings are sold.

(b) Membership must be mandatory for each home buyer and any successive buyer.

© The open space restrictions must be permanent.

(d) The Homeowner's Association must be responsible for liability insurance, taxes, and the maintenance of recreational and other facilities.

(2) All or any part of the open space system may be conveyed to the City by joint agreement of the developer and the City. Such conveyance may be by dedication of easement.

G. Additional Requirements. Planned Unit Development plans, where applicable, shall comply with the final plat requirements of the Subdivision Regulations contained in Chapter 170.

H. Other Considerations. A number of major factors should undergo evaluation as a portion of design standards, including:

(1) Natural drainage areas shall be retained as appropriate and, if necessary, improved.

(2) Due consideration shall be given to preserving natural site amenities and minimizing the disturbance to the natural environment.

(3) Existing trees shall be preserved wherever possible. The location of trees is to be considered in designing building location, underground services, and paved areas.

(4) If the development includes floodplain areas, they shall be preserved as permanent open space.

(5) Due consideration shall be given to the natural topography. Major grade change shall be avoided. If the development includes hillsides and slopes, special evaluation shall be given to geological conditions, erosion, and topsoil loss. If unfavorable development conditions exist, the Council may restrict clearing, cutting, filling, or other substantial changes in the natural conditions of the affected area.

(Ord. 147 – Jul-00 Supp.)

167.12 OAK CREEK PLANNED UNIT DEVELOPMENT. The Oak Creek Planned Unit Development is created and approved as of the effective date of the ordinance codified by this section pursuant to Section 167.11 of this Zoning Code, and is reflected on the Official Zoning Map established pursuant to Section 165.05 of this Zoning Code.

1. The Master Plan, approved by the Council, is a graphic representation of the property included in the Oak Creek Planned Unit Development and delineates the approximate location and configuration of the parcels for the purpose of easier reference for the applicable provisions of this section. Changes or modifications to the graphic representation may be necessary to acquire workable street patterns, grades, and usable building sites. The graphic representation including the relationship of uses to each other, the relationship of land use to the general plan framework, and development requirements shall, however, be used as the guide for implementing the planned unit development. The graphic representation is intended to convey the developer's conceptual plan, and is meant to be illustrative and to provide guidance to all parties.

2. Prior to the development of any portion of the Oak Creek Planned Unit Development, the Council, after receiving a recommendation from the Plan and Zoning Commission, shall review and approve a detailed site plan.

3. The following specific requirements are established for the Oak Creek Planned Unit Development:

A. No building with pre-manufactured sheet metal siding or roofing shall be constructed within the planned unit development. Standing seam and copper roofing will be permitted.

B. In a residential development, the owner shall dedicate to the City for park purposes, one-half of an acre or one percent of the residential acreage, whichever number is greater.

C. Pole signs are permitted within the fifty (50) feet which lies north of the Highway 141 right-of-way, and the fifty (50) feet which lies east or west of the right-of-way of the first six hundred (600) feet of Highway 17 lying north of the north right-of-way of Highway 141. No pole sign may be higher than fifty (50) feet. In all other areas of the Oak Creek Planned Unit Development, a lot with a business shall be allowed one monument sign, which shall utilize the same building materials found in the principal building.

D. The proposed, but unnamed, street running south of Burr Oak Boulevard and then easterly to Highway 17 shall be constructed by the owner of the underlying real estate in connection with the location of a RISE-eligible business in the portion of the planned unit development lying west of Highway 17. In the event the street will not have been constructed by July 1, 2005, the City, owner and developer will meet on or before May 1, 2005, to determine a revised deadline for the street construction.

(Ord. 206 – Nov. 04 Supp.)

4. Land Use Design Criteria for all Parcels. The Master Plan document delineates five (5) parcels of the Planned Unit Development, and are numbered one (1) through five (5).

A. Parcel 1. Flex Zoned. This parcel is zoned to permit residential uses on the second floor of only one office/retail building within the parcel. Retail and office are the other permitted uses.

B. Parcel 2. Commercial. This parcel is zoned for retail and office uses.

C. Parcel 3. Commercial. This parcel is zoned for all of the permitted uses in the C-4 (Highway Commercial) District.

D. Parcel 4. Commercial. This parcel is zoned for all of the permitted uses in the C-4 (Highway Commercial) District; except no trailer or recreational vehicle storage and except no private personal storage facilities shall be permitted.

(Ord. 410 – Feb. 23 Supp.)

E. Parcel 5. Single-Family Residential. This parcel is zoned for single-family residential purposes, as follows:

(1) Twin Eagles Point Plats 1 and 2 – R-1 Single Family Residential District.

(2) Twin Eagles Point Plat 3 – R-1-A Single-Family Residential District.

(Ord. 343 – Dec. 16 Supp.)

(Ord. 177 – Oct. 03 Supp.)

5. Street Right-of-Way. Adequate street rights-of-way shall be provided for the construction, reconstruction, and widening of adjoining streets adjacent to,

or within the planned unit development. Rights-of-way shall be dedicated to the City prior to recording the Final Plat.

6. Platting. Prior to, or in conjunction with the development or transfer of ownership of any portion of the planned unit development, such area shall be platted pursuant to Chapter 170.

7. Storm Water Management. Prior to development within each of the parcels of the planned unit development, a complete storm water management plan shall be submitted for review by the Plan and Zoning Commission and approval by the Council.

(Ord. 171 – Apr. 01 Supp.)

167.13 WINDCREST PLANNED UNIT DEVELOPMENT. The Windcrest Planned Unit Development is created and approved as of the effective date of the ordinance codified by this section pursuant to Section 167.11 of this Zoning Code, and is reflected on the Official Zoning Map established pursuant to Section 165.05 of this Zoning Code.

1. The Master Plan, approved by the Council, is a graphic representation of the property included in the Windcrest Planned Unit Development and delineates the approximate location and configuration of the parcels for the purpose of easier reference for the applicable provisions of this section. Changes or modifications to the graphic representation may be necessary to acquire workable street patterns, grades, and usable building sites. The graphic representation including the relationship of uses to each other, the relationship of land use to the general plan framework, and development requirements shall, however, be used as the guide for implementing the planned unit development. The graphic representation is intended to convey the developer's conceptual plan, and is meant to be illustrative and to provide guidance to all parties.

2. Prior to the development of either Lot 37 or Lot 38 of the Windcrest Planned Unit Development, the Council, after receiving a recommendation from the Plan and Zoning Commission, shall review and approve a detailed site plan.

3. The following specific requirements are established for the Windcrest Planned Unit Development:

A. No building with pre-manufactured sheet metal siding or roofing shall be constructed within the planned unit development. Standing seam and copper roofing will be permitted.

B. As additional land is developed in the planned Windcrest Subdivision by the owner north of the Windcrest Planned Unit Development, the owner intends to donate to the City for public park purposes approximately two acres of land, including a pond and other amenities.

C. Monument or landscape signs are permitted on Lots 37 and 38 and at the primary access to State Street.

4. Land Use Design Criteria for all Parcels. The Master Plan document delineates the initial Planned Unit Development containing seventeen (17) lots; Plat 1 containing twenty-one (21) lots; Plat 2 containing twenty-five (25) lots; Plat 3 containing twenty-five (25) lots; and Proposed Plat 4 containing fifty-six (56) lots. *(Ord. 357 – Dec. 17 Supp.)*

A. Lots 1 through 15 are zoned for Bi-attached Single-family Residential Units. The units shall be one or two-story, 2 and 3-bedroom single-family homes with attached two-car garages. Two attached units may be constructed on each lot, which shall have a minimum lot area of 10,200 square feet; minimum total lot width of 85 feet; minimum front and rear yard depths of 30 feet; and minimum side yard widths of 5 feet (minimum of 10 feet in total). The building maximum height is 35 feet, and each unit shall have two parking spaces (including one garage space). In all other respects the regulations of the R-2 (Low Density Multi-Family Residential) District shall apply.

B. Lots 37 and 38 are zoned for the construction of public buildings and associated facilities by governmental entities. Each lot shall have a minimum lot area of 100,000 square feet. Lots shall have a minimum front yard depth of 20 feet along State Street and 30 feet along Oak Street; a minimum rear yard depth of 35 feet; and minimum side yard widths of 10 feet. In the event one structure or complex is constructed on both lots, the interior side yard requirements adjacent to the boundary line between the two lots shall not apply. A minimum of 20 percent of the lot, or combined lots if one structure or complex is constructed on both lots, shall be devoted to open spaces. On Lot 37, there shall be a buffer requirement of a 10-foot buffer yard with landscaping plantings, shrubs and evergreens. The buffer shall extend along the east property line and adjacent to single-family lots to the north and the northeast. The building maximum height is three stories not to exceed 45 feet.

(Ord. 306 – Dec. 13 Supp.)

C. Windcrest Plat 1, Lots 16 through 36 are zoned as Single-Family Residential, in compliance with the R-1-A Single Family Residential District (minimum lot frontage of 70 feet).

D. Windcrest Plat 2, Lots 1 through 25 are zoned as Single-Family Residential, in compliance with the R-1-A Single Family Residential District (minimum lot frontage of 70 feet).

E. Windcrest Plat 3, Lots 1 through 28 are zoned as Single-Family Residential, in compliance with the R-1-A Single Family Residential District (minimum lot frontage of 70 feet).

F. Proposed Windcrest Plat 4 including a total of 56 lots (to be platted as Landing at Oxley Creek Plat 4 and 5). The zoning is Single-Family Residential, in compliance with the R-1-A Single Family

Residential District (minimum lot frontage of 70 feet, except that the 27 lots on the northerly street loop may have minimum lot frontage of 65 feet). The second front yard setback on Lots 8 and 9 (adjacent to the proposed extension of Windcrest Drive) may be reduced from thirty (30) feet to twenty (20) feet. All streets in Windcrest Plat 4 (to be platted as Landing at Oxley Creek Plat 4 and 5) shall be constructed as 31-foot back to back streets.

(Ord. 357 – Dec. 17 Supp.)

5. Street Right-of-Way. Adequate street rights-of-way shall be provided for the construction, reconstruction, and widening of adjoining streets adjacent to, or within the planned unit development. Rights-of-way shall be dedicated to the City prior to recording the Final Plat.

6. Platting. Prior to, or in conjunction with the development or transfer of ownership of any portion of the planned unit development, such area shall be platted pursuant to Chapter 170.

7. Storm Water Management. Prior to development within each of the parcels of the planned unit development, a complete storm water management plan shall be submitted for review by the Plan and Zoning Commission and approval by the Council.

(Ord. 179 – Oct-03 Supp.)

167.14 GRANGER HILL PLANNED UNIT DEVELOPMENT. The Granger Hill Planned Unit Development is created and approved as of the effective date of this Ordinance pursuant to Section 167.11 of this Zoning Code, and is reflected on the Official Zoning Map established pursuant to Section 165.05 of this Zoning Code.

1. The Master Plan, approved by the Council, is a graphic representation of the property included in the Granger Hill Planned Unit Development and delineates the approximate location and configuration of the parcels for the purpose of easier reference for the applicable provisions of this Section. Changes or modifications to the graphic representation may be necessary to acquire workable street patterns, grades, and usable building sites. The graphic representation including the relationship of uses to each other, the relationship of land use to the general plan framework, and development requirements shall, however, be used as the guide for implementing the planned unit development. The graphic representation is intended to convey the developer's conceptual plan, and is meant to be illustrative and to provide guidance to all parties.

2. Prior to the development of any portion of the Granger Hill Planned Unit Development, the Council, after receiving a recommendation from the Plan and Zoning Commission, shall review and approve a detailed site plan or subdivision plat pursuant to subsection 6 of this section.

3. The following specific requirements are established for the Granger Hill Planned Unit Development:

- A. No building with pre-manufactured sheet metal siding or roofing shall be constructed within the planned unit development. Standing seam and copper roofing will be permitted.
 - B. In a residential development, the owner shall dedicate to the City for park purposes, one-half of an acre or one percent of the residential acreage, whichever number is greater.
 - C. Pole signs are permitted within the fifty (50) feet which lies east of the right-of-way of Highway 17. No pole sign may be higher than fifty (50) feet. In all other areas of the Granger Hill Planned Unit Development, a lot with a business shall be allowed one monument sign, which shall utilize the same building materials found in the principal building.
4. Land Use Design Criteria for all Parcels. The Master Plan document delineates five (5) parcels of the planned unit development, which are numbered one (1) through five (5).
- A. Parcel 1. Single-Family Residential. This parcel is zoned to permit single-family residential uses in compliance with the R-1 Single-Family Residential District (minimum lot frontage of 80 feet).
 - B. Parcel 2. Single-Family Residential. This parcel is zoned to permit single-family residential uses in compliance with the R-1-A Single-Family Residential District (minimum lot frontage of 70 feet).
 - C. Parcel 3. Commercial. This parcel is zoned for commercial uses in compliance with either the C-1 Limited Commercial District or the C-2 General Commercial District, specifically excluding storage facilities. Access to this parcel will only be from Broadway Street.
(Paragraph C – Ord. 410 – Feb. 23 Supp.)
 - D. Parcel 4. Multi-Family Residential. This parcel is zoned for multi-family residential uses (such as Town Homes or Town Houses or other multi-family residences) in compliance with the R-2 Multi-Family Residential District.
 - E. Parcel 5. Commercial. This parcel is zoned for commercial uses in compliance with either the C-1 Limited Commercial District or the C-2 General Commercial District, as well as storage facilities, gas stations and convenience stores.
5. Street Right-of-Way. Adequate street rights-of-way shall be provided for the construction, reconstruction, and widening of adjoining streets adjacent to, or within the planned unit development. Rights-of-way shall be dedicated to the City prior to recording the Final Plat.
6. Platting. Prior to, or in conjunction with the development or transfer of ownership of any portion of the planned unit development, such area shall be platted pursuant to Chapter 170.
7. Storm Water Management. Prior to development within each of the parcels of the planned unit development, a complete storm water management

plan shall be submitted for review by the Plan and Zoning Commission and approval by the Council.

(Ord. 346 – Dec. 16 Supp.)

167.15 IRONWOOD ESTATES PLANNED UNIT DEVELOPMENT.

The Ironwood Estates Planned Unit Development is created and approved as of the effective date of this ordinance pursuant to Section 167.11 of this Zoning Code, and the Official Zoning Map is hereby amended accordingly as provided by Section 165.05 of this Zoning Code.

1. Development of and within the Ironwood Estates Planned Unit Development shall comply with all applicable codes of the City, including but not limited to the Subdivision, Site Planning, Storm Water Management, Erosion Control, and Sign Codes, and with the City's standards and specifications for public improvements, except as expressly modified by this section or action by the City Council irrespective of whether the modifications are more or less restrictive.

2. The following specific requirements are established for the Ironwood Estates Planned Unit Development. The parcel references herein are to the Ironwood Estates Planned Unit Development Master Plan Map as set forth in Subsection 4 hereof and approved by the Council, said Exhibit "A" being a graphic representation of the property that delineates the approximate location and configuration of the parcels to which the applicable provisions of this section pertain:

A. Permitted Uses:

(1) Parcel One Principal Permitted Uses:

(a) Educational facility, at this time contemplated to be known as and occupied by the Grandwood Education Center.

(b) Gymnasium that is part of and used by said educational facility, and that may be used independently by and for recreation and education.

(2) Parcel Two Principal Permitted Uses:

(a) Any use permitted in the "R-1A" District, subject to compliance with the requirements of the "R-1A" District except as expressly modified by this section.

(b) Townhomes.

(3) Uses and structures for each parcel that are customarily accessory and incidental to said principal permitted uses.

B. Bulk Regulations.

(1) The minimum front and rear setbacks shall be 30 feet and the maximum height shall be 35 feet for principal structures, irrespective of parcel.

(2) Minimum side yard setbacks:

(a) Parcel One: 30 feet.

(b) Parcel Two:

(i) Single-family detached dwelling: 7 feet each side.

(ii) Townhouse structure containing two units: 8 feet each side.

(iii) Townhouse structure containing three or more units: 10 feet on each side.

(iv) Adjoining a street: 30 feet.

(3) Minimum lot width:

(a) Parcel One: 100 feet

(b) Parcel Two:

(i) Single-family detached dwelling: 70 feet.

(ii) Townhouse unit: 26 feet for each unit, and a minimum of 70 feet for each structure containing townhouse units.

(iii) Corner lots: Corner lots shall be a minimum of twenty feet wider than the minimum lot width required above for the type of residential unit.

(4) Minimum lot depth: 110 feet, irrespective of parcel.

C. Accessory Structures. Accessory structures shall not be located within the minimum setback required along any street. Accessory structures other than fences shall have a minimum setback of 10 feet from all other property lines in the case of Parcel One, and 2 feet in the case of Parcel Two, except as set forth below.

Accessory buildings in Parcel Two that are more than 14 feet in height, or that have a first-floor area of more than 720 square feet,

shall comply with the minimum setback requirements for a principal structure.

Fences are not permitted within the minimum setback required along any street; elsewhere, fences with a maximum height of 6 feet may be located on the property line; fences that are more than 6 feet high, but in no case more than 8 feet high, are permitted but shall comply with the setback requirements for a principal structure.

D. General Requirements for Parcels:

(1) Parcel One:

(a) Off-street parking shall be provided at a ratio of one stall for each employee that is on-site during the maximum shift or staffing period.

(b) Signs shall comply with code requirements for office uses, except that pole signs and cabinet signs are prohibited.

(c) A landscape setback with a minimum width of 20 feet shall be provided along public streets and shall include a berm with a minimum average height of 3 feet or a continuous row of shrubs achieving a minimum mature height of 4 feet if a berm is not practical due to topographic conditions.

(d) All lighting shall be horizontally-mounted cut-off luminaries with a maximum mounting height of 25 feet and maximum 500-watt incandescent bulb or LED-equivalent, including wall-mounted fixtures.

(e) All refuse collection areas shall be fully enclosed by a 6-foot high wood fence or masonry wall that is opaque when viewed at a 90-degree angle.

(2) Parcel Two:

(a) All dwelling units shall have two-car attached garages and traditional architecture. Exterior materials shall be narrow lapped siding, cedar shingles, or brick, provided that other exterior materials and designs may be approved by motion of the City Council without public hearing or consideration by the Plan and Zoning Commission.

- (b) Not more than four townhouse units shall be permitted in any structure.
 - (c) The maximum height shall be two stories, excluding a walk-out basement living area.
 - (d) No unit shall be located above another unit or any structure accessory thereto, and townhouse units shall not be attached on more than two sides or to the rear of another unit.
 - (e) Townhomes may be developed and sold under the provisions of a horizontal property regime, but in such case shall be located and separated in the same manner as if platted and located on fee-simple lots, and in accordance with the lot sizes and setbacks applicable thereto.
- E. Streets. All streets shall be designed and constructed in accordance with City standard specifications for public streets, and shall be dedicated to the City upon the recording of the final plat. The north-south street that provides access from Kennedy Boulevard shall have a minimum width of 31 feet as measured from back of curb, and all other streets shall have a minimum width of 31 feet back-to-back, all within 60-foot rights-of-way.

(Section 167.15 – Ord. 368 – Dec. 18 Supp.)

167.16 IRONWOOD ESTATES CONSERVANCY PLANNED UNIT DEVELOPMENT. The Ironwood Estates Conservancy Planned Unit Development is created and approved as of the effective date of this ordinance[†] pursuant to Section 167.11 of this Zoning Code, and the Official Zoning Map is hereby amended accordingly as provided by Section 165.05 of this Zoning Code.

1. Development of and within the Ironwood Estates Conservancy Planned Unit Development shall comply with all applicable Codes of the City, including but not limited to the Subdivision, Site Planning, Storm Water Management, Erosion Control, and Sign Codes, and with the City's standards and specifications for public improvements, except as expressly modified by this section or action by the City Council irrespective of whether the modifications are more or less restrictive.
2. The following specific requirements are established for the Ironwood Estates Conservancy Planned Unit Development. The parcel

[†] **EDITOR'S NOTE:** Ordinance No. 381 creating the Ironwood Estates Conservancy Planned Unit Development was adopted on October 9, 2019.

references herein are to the Ironwood Estates Conservancy Planned Unit Development Master Plan Map as set forth in Section 4 hereof and approved by the Council, said Exhibit “A” being a graphic representation of the property that delineates the approximate location and configuration of the parcels to which the applicable provisions of this section pertain:

A. Permitted Uses:

(1) Principal Permitted Uses:

- (a) Single-family detached dwellings.
- (b) Townhomes.
- (c) Any and all other uses as permitted and regulated by the “R-1-A” Single Family Zoning District, except as expressly modified by this section.

(2) Uses and structures that are customarily accessory and incidental to said principal permitted uses.

(Subparagraph A – Ord. 388 – Aug. 20 Supp.)

B. Bulk Regulations for Townhomes.

(1) The minimum front and rear setbacks shall be 30 feet and the maximum height shall be 35 feet for principal structures.

(2) Minimum Side Yard Setbacks:

- (a) Townhouse structure containing two units: 8 feet each side.
- (b) Townhouse structure containing three or more units: 10 feet on each side.
- (c) Adjoining a street: 30 feet.

(3) Minimum lot width for Townhouse unit: 26 feet for each unit, and a minimum of 70 feet for each structure containing townhouse units.

(4) Minimum lot area for Townhouse unit: 2,600 square feet.

(5) Minimum lot depth: 100 feet.

(Subparagraph B – Ord. 388 – Aug. 20 Supp.)

C. Bulk Regulations:

- (1) The minimum front and rear setbacks shall be 30 feet and the maximum height shall be 35 feet for principal structures, irrespective of parcel.
- (2) Minimum Side Yard Setbacks:
 - (a) Parcel One: In accordance with the “R-1-A” Single Family Zoning District.
 - (b) Parcel Two: 5 feet except when adjoining a street, in which case the minimum shall be 30 feet.
- (3) Minimum Lot Width:
 - (a) Parcel One: In accordance with the “R-1-A” Single Family Zoning District.
 - (b) Parcel Two:
 - (i) Interior lot: 50 feet.
 - (ii) Corner lot: 75 feet.
- (4) Minimum Lot Area:
 - (a) Parcel One: In accordance with the “R-1-A” Single Family Zoning District.
 - (b) Parcel Two: 5,000 square feet.
- (5) Minimum Lot Depth:
 - (a) Parcel One: In accordance with the “R-1-A” Single Family Zoning District.
 - (b) Parcel Two: 100 feet.

C. Accessory Structures. Accessory structures shall not be located within the minimum setback required along any street. Accessory structures other than fences shall have a minimum setback of 2 feet, except as set forth below.

Accessory buildings that are more than 14 feet in height, or that have a first-floor area of more than 720 square feet, shall comply with the minimum setback requirements for a principal structure.

Fences are prohibited within the minimum setbacks required along streets; elsewhere, fences with a maximum height of 6 feet may be located on the property line; fences that are more than 6 feet high, but in no case more than 8 feet high, are permitted but shall comply with the setback requirements for a principal structure.

D. General Requirements for All Parcels. All dwelling units shall have two-car attached garages and traditional architecture. Exterior materials shall be narrow lapped siding, cedar shingles, or brick, provided that other exterior materials and designs may be approved by motion of the City Council without public hearing or consideration by the Plan and Zoning Commission.

The maximum height shall be two stories, excluding a walk-out basement.

E. Streets. All streets shall be dedicated to the City upon the recording of the Final Plat; shall have 60-foot rights-of-way; and shall conform with all City standard specifications, except that their minimum widths shall be as provided herein as measured from backs of curbs:

- (1) Cedar Street shall have a minimum width of 31 feet.
- (2) Chestnut Street shall have a minimum width of 31 feet between Mulberry Street and the proposed east-west street labeled as “Maple Street” on the attached Exhibit “A,” and a minimum width of 26 feet to the north of said proposed “Maple Street.”
- (3) Said proposed “Maple Street” shall have a minimum width of 28 feet between Chestnut and Cedar Streets.
- (4) The proposed north-south street labeled as “Red Oak Street” on the attached Exhibit “A” shall have a minimum width of 26 feet.
- (5) The proposed street connecting the existing Maple and Birch Streets to the east of Cedar Street shall have a minimum width of 28 feet.

(Section 167.16 – Ord. 381 – Aug. 20 Supp.)

167.17 LANDING AT OXLEY CREEK WEST PLANNED UNIT DEVELOPMENT. The Landing at Oxley Creek West Planned Unit Development is created and approved as of the effective date of this ordinance[†] pursuant to Section 167.11 of this Zoning Code, and the Official Zoning Map is hereby amended accordingly as provided by Section 165.05 of this Zoning Code.

[†] **EDITOR’S NOTE:** Ordinance No. 389 creating Landing at Oxley Creek West Planned Unit Development was adopted on June 10, 2020.

1. Development of and within the Landing at Oxley Creek West Planned Unit Development shall comply with all applicable Codes of the City, including but not limited to the Subdivision, Site Planning, Storm Water Management, Erosion Control, and Sign Codes, and with the City's standards and specifications for public improvements, except as expressly modified by this section or action by the City Council irrespective of whether the modifications are more or less restrictive.

2. The following specific requirements are established for the Landing at Oxley Creek West Planned Unit Development. The parcel references herein are to the Landing at Oxley Creek West Planned Unit Development Master Plan Map as set forth in Section 4 hereof and approved by the Council, said Exhibit "A" being a graphic representation of the property that delineates the approximate location and configuration of the parcels to which the applicable provisions of this section pertain:

A. Permitted Uses.

(1) Principal Permitted Uses, Irrespective of Parcel.

- a. Single-family detached dwellings.
- b. Any and all other uses as permitted and regulated by the "R-1-A" Single Family Zoning District, except as expressly modified by this section.

(2) Uses and structures that are customarily accessory and incidental to said principal permitted uses.

B. Bulk Regulations.

(1) The minimum front yard setback shall be 30 feet and minimum rear setbacks shall be 35 feet and the maximum height shall be 35 feet for principal structures, irrespective of parcel.

(2) Minimum Side Yard Setbacks.

- a. The minimum side yard setback shall be 7 feet with a total minimum side yard setback of 15 feet.

(3) Minimum Lot Width.

- a. The minimum lot width of Lots 1-46 and 78-110 shall be 65 feet.
- b. The minimum lot width of Lots 47-77 shall be 60 feet.

- (4) Minimum Lot Area.
 - a. The minimum lot area shall be 7,800 square feet.
- (5) Minimum Lot Depth.
 - a. Parcel One. In accordance with “R-1-A” Single Family Zoning District.

C. Accessory Structures. Accessory structures shall not be located within the minimum setback required along any street. Accessory structures other than fences shall have a minimum setback of 2 feet, except as set forth below.

Accessory buildings that are more than 14 feet in height, or that have a first-floor area of more than 720 square feet, shall comply with the minimum setback requirements for a principal structure.

Fences are prohibited within the minimum setbacks required along streets; elsewhere, fences with a maximum height of 6 feet may be located on the property line; fences that are more than 6 feet high, but in no case more than 8 feet high, are permitted but shall comply with the setback requirements for a principal structure.

D. General Requirements for All Parcels. All dwellings units shall have two-car attached garages and traditional architecture. Exterior materials shall be narrow lapped siding, cedar shingles, or brick, provided that other exterior materials and designs may be approved by motion of the City Council without public hearing or consideration by the Plan and Zoning Commission.

The maximum height shall be two stories, excluding a walk-out basement.

E. Streets. All streets shall be dedicated to the City upon the recording of the final plat; shall have 60-foot rights-of-way; and shall conform with all City standard specifications, all street shall have minimum widths of thirty-one (31) feet.

F. Box Culvert. The City of Granger shall be responsible for installation of the Box Culvert Improvement Project at Oxley Creek contemporaneously with the initial phase of proposed development, in accordance with an earlier agreement between the City and prior land owners.

G. FEMA Floodplain. All improvements to the FEMA Floodplain shall be reviewed and approved by the City Engineer and FEMA.

H. Ownership. Title to the land described in Section 3 above shall be held by East Ankeny Land, LLC prior to the effective date of this ordinance.

(Section 167.17 – Ord. 389 – Aug. 20 Supp.)

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EDITOR'S NOTE

The following ordinances have been adopted which amended the Official Zoning Map referred to in Section 165.05 of this Zoning Code and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.

ORDINANCE NO.	DATE ADOPTED	DESCRIPTION
101	March 30, 1994	Rezoning from A-1 to C-4
121	November 8, 1995	Rezoning from R-2 to C-1
136	July 8, 1998	Rezoning from A-1 to R-1-A
137	August 12, 1998	Rezoning from R-1 to R-1-A
152	October 27, 1999	Rezoning from A-1 to C-4
154	February 9, 2000	Rezoning from A-1 to C-2
157	March 8, 2000	Rezoning from A-1 to C-2
158	March 8, 2000	Rezoning from A-1 to R-1, R-3, C-4
159	May 15, 2000	Rezoning from R-1 to C-2
171	April 11, 2001	Rezoning from R-1, R-3 & C-4 to Oak Creek Planned Unit Development
173	September 19, 2001	Rezoning parcels in Oak Creek PUD
177	December 11, 2002	Rezoning parcels in Oak Creek PUD
179	January 22, 2003	Rezoning from A-1 to Windcrest PUD
180	January 22, 2003	Rezoning from A-1 to R-1-A
183	September 10, 2003	Rezoning from C-2 to C-1
203	May 12, 2004	Rezoning from M-1 to C-2
258	January 9, 2008	Rezoning from A-1 to C-2
262	July 9, 2008	Rezoning from C-2 to R-1
293	September 14, 2011	Rezoning from A-1 to C-2
334	March 11, 2015	Rezoning from A-1 to R-1-A
346	September 14, 2016	Rezoning from A-1 to Granger Hill PUD
368	February 14, 2018	Rezoning from R-1-A to Ironwood Estates PUD
380	June 12, 2019	Rezoning from A-1 to R-3
381	October 9, 2019	Rezoning from R-1-A to Ironwood Estates Conservancy PUD
383	September 11, 2019	Rezoning from C-3 to C-4
388	May 28, 2020	Adding Land to Ironwood Estates Conservancy PUD
389	June 10, 2020	Landing at Oxley Creek

[The next page is 706.1]

CHAPTER 168

SIGN REGULATIONS

168.01 Title, Purpose and Intent
168.02 Definitions
168.03 General Regulations
168.04 Permitted Signs
168.05 Exceptions and Modifications
168.06 Prohibited Signs
168.07 Permits
168.08 Application for Permit

168.09 Exemptions
168.10 Issuance or Denial of Permit
168.11 Permit Fees
168.12 Variances
168.13 Notice of Change
168.14 Inspection
168.15 Nonconforming Signs
168.16 Appeals

168.01 TITLE, PURPOSE AND INTENT. This chapter may be known as the “Sign Ordinance.” It is the purpose and intent of this chapter to regulate the number, size, and design of signs so that signs will not, by reason, number, size, location, construction or manner of display endanger the public health, safety, welfare, or morals; confuse, mislead, obstruct vision necessary for traffic safety, or over-attract motorists’ attention from hazards of the road and traffic; or be detrimental to property values and esthetics of the community.

168.02 DEFINITIONS. The following definitions apply to the interpretation of this chapter:

1. “Administrator” means the Zoning Administrator or designated representative.
2. “Animation” means rotation or any other movement or appearance thereof, or change of lighting to depict action or create a special effect or scene, whether by atmospheric movement, mechanical, or electrical means, or any combination thereof.
3. “Architectural blade” means a roof sign or projecting sign with no legs or braces and designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.
4. “Architectural projection” means any projection not intended for occupancy which extends beyond the property line, not including signs, canopies or marquees.
5. “Area, sign” means the area of the largest single face of a sign within not more than two rectangles enclosing the extreme points or edges including air space and background of the sign, but not including poles or supports on which the sign is placed if they do not include copy. The area of a sign composed of symbols or letters attached directly to a

building or wall surface shall be computed by drawing not more than two rectangles enclosing the entire group of symbols or letters.

6. “Awning” means a temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

7. “Background area” means the entire area of a sign on which copy could be placed, as opposed to the copy area.

8. “Biannual” means every two years.

9. “Building face or wall” means all window and wall area of a building in one plane or elevation.

10. “Building frontage” means the linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

11. “Canopy” (or “marquee”) means a permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal, glass or plastic.

12. “Chasing” means the effect produced by using three electrical contacts which cause lamps to come on in a one-two-three sequence again and again, as characterized by the borders of movie marquees.

13. “Comprehensive design plan” means building design and signs integrated into one architectural plan, the comprehensive plan being complete in all other building, structural and electrical requirements.

14. “Copy” means words, letters, logos, figures, symbols, illustrations, or patterns that form a message or otherwise call attention to a business, product, service, or activity, or to the sign itself.

15. “Copy area” means the smallest rectangle which encloses the actual copy of a sign.

16. “Embellishment” means:

A. Letters, figures, characters, or representations in cut-outs or irregular forms or similar ornaments attached to or superimposed upon the sign.

B. (Embellishment, decorative only) - A purely decorative embellishment on a free-standing sign.

17. “Erected” means attached, altered, built, constructed, reconstructed, enlarged or moved, and includes the painting of wall signs, but does not include copy changes on any sign.

18. “Face” means the copy area, background area, and the peripheral encasement, structural elements, or trim which forms the outer perimeter of the sign, but not including poles, monuments, or similar support structures.
19. “Facelift” means the remodeling of a building’s frontage which is visible from a public right-of-way, so that the building material, door frames, window frames and signs are designed in harmony with each other.
20. “Fade” means, on an electronic message center, a gradual changing of one copy display to another in a manner that one display appears to dissolve as another forms.
21. “Flashing” means a change in light intensity at regular intervals, including repeated brightening or dimming of lights, in which the duration of light is less than the duration of darkness.
22. “Ground level” means finish grade line of site within setback limits.
23. “Indexing” means turning and stopping action of the triangular vertical sections of a multi-prism sign designed to show three messages in the same area.
24. “Lintel” means, in this context, the line above the display windows and below transom windows (if any) on a store (usually approximately nine feet from grade).
25. “Maintain” means to permit a sign, structure or any part of each to continue or to repair or refurbish a sign, structure or any part of either.
26. “Manufacturer” means a person who assembles or installs a sign upon the site.
27. “Message” means copy or a series of copy displays that directly or indirectly names, advertises, or calls attention to a business, product, service or other activity.
28. “Message center, electronic” means a sign which uses a bank of lights that can be individually lit to form copy.
29. “Nameplate” means a non-electric sign identifying only the name and occupation or profession of the occupant of premises on which the sign is located. If any premises include more than one occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information.
30. “Occultation” means any intermittent lighting other than flashing, scintillation, chasing, or animation.

31. "Parapet" or "parapet wall" means that portion of a building wall that rises above the roof level.
32. "Penthouse" means a structure on top of a building roof such as houses an elevator shaft or similar form.
33. "Public right-of-way width" means the particular distance across a public street, measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the City Engineer.
34. "Roof line" means the top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.
35. "Scintillation" means the effect produced by turning lamps on and off in a seemingly random pattern, customarily producing a twinkling affect.
36. "Scrolling" means, on an electronic message center, a form of animation whereby elements of copy are sequentially displayed so as to give the appearance of movement on or across the sign, whether vertically or horizontally.
37. "Sign" means any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purpose of removal, signs also include all sign structures.
38. "Sign, abandoned" means a sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.
39. "Sign, animated" means any sign that includes animation.
40. "Sign, banner" means a temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.
41. "Sign, canopy or marquee" means any sign attached to or constructed in or on a canopy or marquee.

42. "Sign, changeable copy" (manual) means a sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.
43. "Sign, changing" (automatic) means a sign such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.
44. "Sign, directional" means any on-site sign which serves solely to designate the location or direction of any place or area within the site.
45. "Sign, directly illuminated" means any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.
46. "Sign, electrical" means any sign containing electrical wiring which is attached or intended to be attached to an electrical source.
47. "Sign, exempt" means a sign exempted from normal permit requirements.
48. "Sign, flashing" means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are classed as "changing signs," not "flashing signs."
49. "Sign, free-standing" – (*See "ground sign."*)
50. "Sign, ground" means a sign erected on a free-standing frame, mast or pole and not attached to any building.
51. "Sign, height of" means the vertical distance measured from the ground level at point of location of the sign on the site.
52. "Sign, identification" means a sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.
53. "Sign, illuminated" means any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.
54. "Sign, indirectly illuminated" means any sign which reflects light from a source intentionally directed upon it -- for example, by means of floodlight, gooseneck reflectors or externally mounted fluorescent light fixtures.

55. “Sign, individual letter” means any sign made of self-contained letters that are mounted on the face of a building, top of a parapet, roof edge of a building or on top of or below a marquee.
56. “Sign, legally nonconforming” means any sign which does not conform to the requirements of this chapter, but which was lawfully erected in accordance with the ordinance in effect at the time it was erected.
57. “Sign, monument” means a ground sign which is mounted in or on a monument and does not have any exposed pole or pylon, and is attached to a base for at least 60% of the entire width of the sign.
58. “Sign, multi-prism” means a sign made with a series of triangular vertical sections that turn and stop, or index, to show three pictures or messages in the same area.
59. “Sign, non-electrical” means any sign that does not contain electrical wiring or is not attached or intended to be attached to an electrical energy source.
60. “Sign, off-premises” means a third-party sign that advertises or directs attention to another location, or to a business, commodity, service, entertainment, attraction, or facility that is generally sold, produced, or available at a location other than the lot where the sign is located. May also be referred to or known as an “outdoor advertising sign” or “billboard.”
61. “Sign, on-premises” means a sign that identifies or directs attention to the business, commodity, service, entertainment, or attraction sold or offered on the same lot where the sign is located.
62. “Sign, pole” means a ground sign which is supported by one or more poles or pylons.
63. “Sign, portable” means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to the following: signs designed to be transported by means of wheels, trailer or chassis, whether or not the wheels are presently attached; signs constructed as or converted to A- or T-frames; menu and sandwich board signs; balloons or other hot-air or gas-filled figures; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless there is no other reasonably available place to park such vehicle and it is being used in the normal day-to-day operations of the business for something other than storage.

64. “Sign, projecting” means a sign, other than a wall sign, which is attached to and projects from a structure or building face. The area of double-faced projecting signs are calculated on one face of the sign only.
65. “Sign, public service information” means any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news or traffic control, etc.
66. “Sign, real estate” means any sign pertaining to the sale, lease or rental of land or buildings.
67. “Sign, roof” means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.
68. “Sign, rotating” means any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism indexing signs.
69. “Sign, seasonal or holiday” means signs such as Christmas decorations, those used for a historic holiday or festive occasion and installed for a limited period of time.
70. “Sign, swinging” means a sign installed on an arm or spar, that is not, in addition, permanently fastened to an adjacent wall or upright pole.
71. “Sign, temporary window or building” means a sign painted on the interior of a window or constructed of paper, cloth, or other like material and attached to the interior side of a window or displayed on the exterior of a building wall in order to direct attention of persons outside the building to a sale of merchandise or a change in the status of the business.
72. “Sign, unlawful” means a sign which contravenes this code or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment or a nonconforming sign or a sign not specifically allowed by this chapter or for which a permit required under a previous code was not obtained.
73. “Sign, wall” (or “facia sign”) means a sign attached to or erected against the wall of a building with the face in a parallel plane to the plane of the building wall.
74. “Sign, window” means a sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

75. “Sign, sticker” means a sticker affixed either to the face or the channel of a sign visible from the street denoting the name of the manufacturer or designated servicing company for purpose of identification by City officials.

76. “Sign structure” means any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

77. “Underwriters’ Laboratories (48)” means, in the United States, a nonprofit organization which establishes standards for electrical and mechanical equipment and materials and is commonly referred to as “UL”. The electrical section is known as “Underwriters’ Laboratories (48).”

168.03 GENERAL REGULATIONS.

1. Permission to Install. No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building, if any, or such person’s authorized representative.

2. Obstruction of Fire Exits, Light or Ventilation. No sign or sign structure shall be permitted to obstruct or interfere in any way with the free use of any door, window, or fire escape, nor to obstruct or impair operation of any opening required for light or ventilation.

3. Not to Constitute Traffic Hazard. It is illegal for any sign to interfere with, obstruct the view of, or be of such design which may be confused with any authorized traffic sign, signal, or device; nor shall any sign imitate an official traffic sign or include the words “STOP,” “LOOK,” “CAUTION” or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse motorists. No ground sign shall be located within the vision clearance triangle as defined by Section 166.09, nor closer than twenty (20) feet to any drive exiting onto a public street unless set back from the street a minimum of twenty (20) feet, or having a height of less than two (2) feet or more than ten (10) feet above the grade of the drive.

4. Obscene Matter Prohibited. No obscene, indecent, or immoral matter shall be displayed on any sign.

5. Signs Located on or Extending Over City Property. No sign shall be located on or allowed to extend over public property except by permission of the Council.

6. Lighting of Signs. Signs may be lit by either internal or external fixtures unless there is a specific requirement to the contrary. Fixtures shall be designed to concentrate illumination upon the sign face and

prevent glare. A constant level of light shall be maintained, provided that this shall not be construed to prohibit use of an automatic dimmer to reduce garish effects at night. Lighting shall not flash, scintillate, animate, move, chase, oscillate, or otherwise be intermittent unless expressly permitted.

7. Setback. No freestanding sign shall be located nearer to the street or property line than permitted by Section 168.04 of this chapter. The setback shall be measured from the property line to the closest point of the sign.

8. Minimum Clearance. Pole signs extending over any vehicular drive shall be a minimum of fifteen (15) feet above the grade of said drive, and if extending over a sidewalk shall be a minimum of eight (8) feet above such sidewalk. Projecting, awning, and marquee signs shall be a minimum of eight (8) feet above any sidewalk area and a minimum of fifteen (15) feet above any vehicular drive.

9. Maintenance. All signs and parts thereof, including but not limited to electrical wiring and fixtures, supports, faces, lighting, braces, guys and anchors, shall be kept in good repair at all times, and shall be kept neatly painted or otherwise treated to prevent rust and similar unsightly deterioration and weathering.

10. Clearance from Electrical Lines. A clearance of not less than six (6) feet horizontally or twelve (12) feet vertically shall be maintained between any sign and any overhead electrical transmission line.

11. Wall Signs. Wall signs shall not be mounted above the second story, parapet line, or eave line of any building, whichever is lowest unless otherwise expressly permitted by this chapter. Such signs shall be parallel to and shall not extend more than twelve (12) inches from the face of the building. Window signs shall be counted as part of the allowable area for wall signs, unless displayed for less than six (6) weeks.

12. Number of Faces. No sign shall have more than two (2) faces, which shall be parallel.

13. Emissions Prohibited. No sign shall emit audible sound, noticeable odor, or smoke or other visible matter.

14. Properties Having Frontage on Two or More Streets. If a lot has frontage on two or more streets, signs shall be permitted on any such frontage to which it has direct legal access, in an amount and size not to exceed that permitted and computed individually for each frontage. Signage earned for a street frontage shall not be displayed on or combined with signage on any other frontage.

15. Directory Signs. In any Commercial District, one directory sign may be permitted, provided that the maximum permissible area for wall signs shall be reduced in an amount equal to or greater than the area of the directory sign.

16. For Sale or Lease Signs. For sale or lease signs shall be removed upon sale or lease of the property and shall not carry information regarding facilities available on the property or within the buildings.

168.04 PERMITTED SIGNS. It is unlawful to erect or maintain any sign except as expressly permitted by this section or by Section 168.05. All signs shall comply with the requirements of this section and Section 168.03, except as otherwise provided by Section 168.05.

1. Low Density Residential. In the R-1, R-1-A and R-2 Zoning Districts the following signs are permitted.

- A. One real estate sign, not exceeding a dimension of twenty-four (24) inches by thirty (30) inches.
- B. One permanent identification sign, not exceeding thirty-six (36) square feet in size, only in new subdivisions platted after January 1, 1998.
- C. Permanent directional signs, ground signs, and wall signs are not permitted.
- D. The setback required for any sign is ten (10) feet from any property line; and the maximum height for any sign is five (5) feet above the finished grade level.

2. Higher Density Residential. In the R-3 Zoning District the following signs are permitted:

- A. One real estate sign, not exceeding a dimension of twenty-four (24) inches by thirty (30) inches for one or two family residences, or not exceeding four (4) feet by eight (8) feet for multi-family residences.
- B. One permanent identification sign, not exceeding thirty-six (36) square feet in size.
- C. One entrance and one exit sign are permitted, each not to exceed four (4) square feet in size.
- D. Ground signs and wall signs are not permitted.
- E. The setback required for any size is ten (10) feet from any property line; and the maximum height for any size is five (5) feet above the finished grade level.

3. Limited Commercial and Central Business. In the Traditional Central Business Districts (C-1 and C-3) the following signs are permitted:

- A. One real estate sign, not exceeding a dimension of four (4) feet by eight (8) feet.
- B. One permanent identification sign, not exceeding thirty-six (36) square feet in size, which may extend from the front of the building and over the sidewalk.
- C. One entrance and one exit sign are permitted, each not to exceed four (4) square feet in size.
- D. One ground sign for each street frontage, each not to exceed fifty (50) square feet in size identifying the principal permitted use.
- E. One wall sign for each street frontage. The maximum area of all wall signs combined shall not exceed two (2) times the linear frontage of the principal building.
- F. Banners which pertain to the business they promote, provided such banners are securely attached to the building, are maintained and kept in good condition at all times, and do not become tattered, torn, or faded.
- G. The setback required for any sign is ten (10) feet from any property line; and the maximum height for any sign is the same as the maximum height of the principal building permitted for the District.
- H. Message Boards. Message boards containing information that conform to the maximum size and other requirements of this chapter. Electronic message boards that display flashing or chasing lights are permitted to the extent that the information is expressed only in alpha, numeric and punctuation characters.

(Ord. 249 – Feb. 08 Supp.)

4. General and Highway Commercial and Commercial Light Industrial. In the General Commercial, Highway/Auto-Oriented Commercial, and Commercial Light Industrial Zoning Districts (C-2, C-4 and CI) the following signs are permitted:

(Ord. 249 – Feb. 08 Supp.)

- A. One real estate sign, not exceeding a dimension of four (4) feet by eight (8) feet.
- B. One permanent identification sign, not exceeding thirty-six (36) square feet in size.
- C. One entrance and one exit sign are permitted, each not to exceed four (4) square feet in size.
- D. One ground sign for each street frontage, each not to exceed fifty (50) square feet in size identifying the principal permitted use.
- E. One wall sign for each street frontage. The maximum area of all wall signs combined shall not exceed two (2) times the linear frontage of the principal building.

F. Banners which pertain to the business they promote, provided such banners are securely attached to the building, are maintained and kept in good condition at all times, and do not become tattered, torn, or faded.

G. One pole sign (in lieu of one ground or monument sign) for each business that does not exceed thirty (30) feet in height within the fifty (50) feet which lies northerly and southerly of the rights-of-way on the northerly and southerly sides of Highway 141.

H. The setback required for any sign is ten (10) feet from any property line; and the maximum height for any sign is the same as the maximum height of the principal building permitted for the District, except as may be permitted in Subsection G above.

I. Message Boards. Message boards containing information that conform to the maximum size and other requirements of this chapter. Electronic message boards that display flashing or chasing lights are permitted to the extent that the information is expressed only in alpha, numeric and punctuation characters.

(Ord. 249 – Feb. 08 Supp.)

5. Agricultural. In the Agricultural Zoning Districts the following signs are permitted:

A. One real estate sign, not exceeding a dimension of twenty-four (24) inches by thirty (30) inches.

B. One permanent identification sign, not exceeding thirty-six square feet in size.

C. One entrance and one exit sign are permitted, each not to exceed four (4) square feet in size.

D. Signs which identify seed varieties for grain crops.

E. Signs and other materials which identify a temporary farm event on the owner's property.

F. Ground signs and wall signs are not permitted.

G. The setback required for any sign is ten (10) feet from any property line; and the maximum height for any sign is five (5) feet above the finished grade level.

6. Planned Unit Development. Signs are permitted in Planned Unit Developments consistent with the nature of each Planned Unit Development or part thereof. For example, if a portion of such a Development is zoned for single-family residences, the sign regulations governing the R-1 Zoning District shall apply. In addition, the following signs are permitted:

A. One pole sign (in lieu of one ground or monument sign) that does not exceed fifty (50) feet in height within the fifty (50) feet which lies west of the right-of-way of the first six hundred (600) feet of Highway 17 lying north of the north right-of-way of Highway 141.

B. One pole sign (in lieu of one ground or monument sign) that does not exceed fifty (50) feet in height within the fifty (50) feet which lies north of the right-of-way on the north side of Highway 141.

C. Any signs specifically permitted by any ordinance establishing a Planned Unit Development.

7. Signs Permitted in all Zoning Districts. The following signs shall be permitted in all zoning districts:

A. Construction Signs. Signs identifying the architect, engineer, contractors, and other individuals involved in the construction of a building, and such signs announcing the character of the building enterprise or the purpose for which the building is intended (but not including product advertising). One non-illuminated sign not exceeding fifty (50) square feet shall be permitted for each street frontage. Such sign shall not extend higher than ten (10) feet above grade level and meet the front yard requirement for a principal structure unless located on the wall of a building on the premises or on a protective barricade surrounding the construction. Such signs shall be removed within one week following completion of construction.

B. Seasonal Decorations. Signs, flags, and decorations pertaining to festive occasions, athletic events, recognized national holidays, and national observances.

C. Street Banners. Signs advertising a public event providing that specific approval is granted under regulations established by the Council.

D. Public Signs. Signs of a non-commercial nature and in the public interest, erected by or upon the order a of public officer in the performance of his or her public duty, such as public notice signs, safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and other similar interest, and other similar signs, including signs designating libraries, schools, and other institutions or places of public interest or concern. Such signs also may be erected by a non-profit organization publicizing a public event.

E. Yard, Garage, and Auction Sale Signs. Temporary signs advertising a resident's yard, garage, or auction sale at his or her place of residence. Such signs may be erected no more than two (2) days prior to the sale, and must be removed promptly upon the conclusion of the sale.

F. Real Estate Open House Signs. Temporary signs providing directions to a real estate open house at a residential property, providing such signs may be erected no more than two (2) days prior to the open house and are removed promptly upon the conclusion of the open house.

G. Integral Signs. Signs for churches or temples, or names of buildings, dates of erection, monumental citations, commemorative tablets, and other similar signs when carved into stone, concrete, or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which attached.

H. Window Signs. Signs which are displayed on the outside of or on the inside of a window or within a building.

I. Menu Boards. Signs attached to a building in which is located a restaurant or other food service business which announce daily menus or the availability of certain food products.

J. Political Campaign. Signs that promote candidates seeking public political office or political or public policy issues. Such signs shall be confined to private property and shall be removed within one week following the election to which they pertain.

8. Schools and Churches. The provisions of Sections 168.04(3)(H) and 168(4)(I) of this chapter relating to Message Boards in the Commercial Districts are applicable to schools and churches irrespective of the Zoning District in which a school or church may be located.

(Ord. 249 – Feb. 08 Supp.)

168.05 EXCEPTIONS AND MODIFICATIONS.

1. Multi-Tenant Buildings or Strip Malls. Providing it otherwise qualifies under any provision of this chapter, a multi-tenant stand-alone building or strip mall is allowed one monument sign for the entire building. Each business in such building, whether it has street access or not, is allowed one wall sign as otherwise provided in this chapter.

2. Other Businesses Not Having Street Frontage. Other businesses which are visible from the street but do not have frontage on a street shall be permitted one wall sign to be computed at a rate of two (2) square feet per one hundred (100) square feet of gross leasable floor area, to a maximum of one hundred (100) square feet; provided that a minimum of twenty (20) square feet of wall signage shall be permitted for any such occupant.

3. Motor Fuel Price Signs. Gasoline service stations, convenience stores, and similar retail businesses selling gasoline or similar fuels for use in motor vehicles as a major part of their business, shall be allowed sign area in addition to that customarily permitted by this chapter, to

display manually changeable price information for such fuel. The copy on each such price sign shall be limited to the type of fuel, such as “unleaded” or “diesel,” and price per unit of measure therefor. The maximum copy area for any one fuel price and type shall be eight (8) square feet, and the maximum total additional sign area shall not exceed sixteen (16) square feet. Such signage may be placed on a ground sign, wall sign, or canopy support if such sign types are customarily permitted, but shall not be placed on a separate sign structure or portable sign.

4. Automobile Dealerships. Businesses which sell new cars as a principal business shall be allowed one ground sign in addition to the number customarily allowed by this chapter, with a maximum area of forty (40) square feet and maximum height of twenty (20) feet, to identify a sales area for used cars.

5. Monument Signs. In lieu of any pole sign, a lot with five hundred (500) or more feet of street frontage shall be allowed one monument sign with a maximum copy display area of one hundred twenty-five (125) square feet for each such street frontage. A lot with less than five hundred (500) feet of street frontage shall be allowed one monument sign with a maximum copy area of seventy-five (75) square feet or fifty percent (50%) of the frontage dimension, whichever is less, for each frontage in lieu of a pole sign. The total size of the monument shall not exceed 2.5 times the copy area, and the monument shall utilize the same building materials found in the principal building. The maximum height of any sign shall be twenty (20) feet. Copy shall be limited to the name and address of the complex, center or principal tenant, and comprised of individually mounted letters. Alternatively, the copy area may be a plastic face encased in the monument and subject to a maximum copy area of fifty (50) square feet, maximum height of fifteen (15) feet, and maximum monument area of one hundred ninety (190) square feet. Both the copy area and monument shall be limited to a simple geometric shape unless it emulates the building form.

168.06 PROHIBITED SIGNS. The following signs are expressly prohibited in any zoning district and on any lot.

1. Unlawful Signs, as defined by Section 168.02.
2. Off-premises signs, as defined by Section 168.02.
3. Abandoned, Damaged, or Unmaintained Signs. Any such sign shall be removed in its entirety, including poles and other structural members, provided that footings may be retained if in the opinion of the Administrator they do not represent a threat to the public and might

reasonably be reused by a future occupant. If a sign is altered, any unused structural supports or parts thereof shall be deemed abandoned and removed. If the owner fails to promptly remove such sign or support, the City may order such removal and the costs therefor shall become a lien on the property.

4. Painted Wall Signs. Wall signs shall not be painted directly on the surface of a building wall.

5. Portable Signs. Portable signs, pennants, spinners, streamers, string lights, festoons, searchlights, swinging signs, flags other than national, State, City flags, or similar devices not expressly permitted by Section 168.04.

6. Roof Signs. Roof signs are prohibited except as allowed by Section 168.04.

7. Snipe Signs. Any sign attached to a tree or utility pole, whether on public or private property, and any sign placed on public property without permission by the Council, are prohibited, except official notices or announcements by a governmental authority.

8. Animated or Flashing Signs and Electronic Message Centers. Any sign using or displaying flashing, chasing, scintillating, occultating, or intermittent lights; animation; indexing; or sound, odor, emission of visible matter, or other means of drawing attention to itself, whether by electronic, mechanical, atmospheric movement, or other means or any combination thereof, is prohibited unless expressly permitted by Section 168.04.

168.07 PERMITS. Except as otherwise provided in this chapter, it is unlawful for any person to erect, construct, enlarge, move or convert any sign in the City, or cause the same to be done, without first obtaining a sign permit for each such sign from the Administrator as required by this chapter. These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way. No new permit is required for signs which have permits and which conform with the requirements of this chapter on the date of its adoption unless and until the sign is altered or relocated. Every sign permit issued by the Administrator shall become null and void if manufacture is not commenced within one hundred and twenty (120) days from the date of such permit. If work authorized by such permit is suspended or abandoned for one hundred and twenty (120) days any time after the work is commenced, a new permit shall be first obtained to do so, and the fee will be one-half the amount required for a new permit for such

work, provided that no changes have been made in the original plans. Such permit may not be unreasonably withheld, providing that proper application and payment of permit fees is complied with.

168.08 APPLICATION FOR PERMIT. Application for a permit in accordance with the requirement appearing at Section 168.04, shall be made to the Administrator upon a form provided by the Administrator and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City, including:

1. Name and address of owner of the sign.
2. Name and address of owner or the person in possession of the premises where the sign is located or to be located.
3. Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises.
4. Drawings showing the dimensions, construction supports, sizes, electrical wiring and components, materials of the sign and method of attachment and character of structural members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the Building Code contained in Chapter 155. If required by the Administrator, engineering data shall be supplied on plans submitted certified by a duly licensed engineer.

168.09 EXEMPTIONS. The following types of signs are exempt from the requirement of obtaining a permit subject to the terms and conditions contained herein:

1. Flags. The flying of individual national, State or City flags attached to freestanding poles mounted on the ground, limited to a total of three (3) in number, provided that such flags shall not be used in such a way as to attract the attention of the public for commercial purposes.
2. Banners. Two flag banners shall be permitted for any model home, at the time the model home is open for inspection. Each banner shall not exceed fifteen (15) square feet.
3. Directional signs.
4. Political signs, as permitted in Section 168.07(7)(J).
5. One nonilluminated residential identification sign, or combination of signs, not exceeding three (3) square feet in sign face and not exceeding four (4) feet in height if the sign is a fence or freestanding sign. Duplexes are permitted two (2) signs pursuant to this subsection.

6. Real estate signs which are designed and installed pursuant to 168.04.
7. Any window sign or combination of window signs, the area of which does not exceed twenty percent (20%) of the window area, including door windows if any, on which the sign or signs are located.
8. Vehicle tow-away signs erected pursuant to State or City law.
9. Seasonal/holiday signs, provided that their erection shall not occur prior to forty (40) days before the season, holiday, or festive occasion and their removal shall take place no less than twenty (20) days after the season, holiday, or festive occasion.
10. A nonilluminated numerical address sign in a business/commercial/industrial/nonresidentially zoned district, the sign area of which does not exceed two (2) square feet per sign face and a maximum aggregate sign area of four (4) square feet, not to exceed a height of ten (10) feet.

168.10 ISSUANCE OR DENIAL OF PERMIT. The Administrator shall issue a permit for the erection, alteration, or relocation of a sign within the City when an application therefor has been properly made and the sign complies with all appropriate laws and regulations of the City. The Administrator may, in writing, suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of fact or fraud. When a sign permit is denied by the Administrator, he or she shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

168.11 PERMIT FEES. Applications for a permit shall be filed with the Administrator, together with a permit fee for each sign in accordance with the following schedule.

1. The fee for a permit, exclusive of any permit costs for electrical components, shall be not less than twenty-five dollars (\$25.00) for any sign valued at one hundred dollars (\$100.00) or more.
2. The fee shall be ten dollars (\$10.00) for any sign valued at less than one hundred dollars (\$100.00).
3. An expedite fee of fifty dollars (\$50.00) shall be imposed any time an inspector is required to make a special trip to inspect a sign not in conjunction with any other inspections in the City at the same time.

In addition, when any sign is hereafter erected, placed, installed or otherwise established on any property prior to obtaining permits as required by this section, the fees specified hereunder shall be doubled but the payment of such double fee shall not relieve any person from complying with other provisions of this section or from penalties prescribed herein.

168.12 VARIANCES. Since the strict application of the requirements of this chapter may work an undue hardship on certain applicants, variances from the strict application of the provisions of this chapter, except with respect to necessary approval by the Plan and Zoning Commission, may be granted by the Council. Each application for a variance under this section shall be in writing and shall state the reasons for the request for a variance. The application shall be signed by the applicant and the sign company, if any, responsible for the sign for which the variance is being sought. The application shall be accompanied by a filing fee in the amount of fifty dollars (\$50.00). Each application for a variance of the provisions of this chapter shall first be reviewed by the Plan and Zoning Commission, which shall review the application and make a written recommendation to the Council regarding disposition of the application. Within thirty-five (35) days of the receipt of the recommendation from the Plan and Zoning Commission, the Council shall consider the application for the variance. The Council may grant the variance, grant the variance with conditions, or deny the application.

168.13 NOTICE OF CHANGE. Whenever there is a change in the sign user, owner, or owner of the property on which the sign is located, the new sign user, owner or new property owner shall forthwith notify the Administrator of the change. No new sign permit is required, unless the sign is altered or relocated.

168.14 INSPECTION. The person erecting, altering or relocating a sign shall notify the Administrator upon completion of the work for which permits are required.

1. Inspections. All free-standing signs shall be subject to a footing inspection, prior to erection, and all signs to a final electrical inspection by the Administrator.
2. Maintenance. Every sign in the City, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in good structural condition at all times. All signs, including those exempted, shall be kept neatly painted, including all metal parts and supports by which these conditions are deteriorating. An inspection can be applied in two alternative methods:

A. The Administrator can request that a licensed sign company duly certify and file with the City that the sign meets as nearly as possible all of the structural, electrical and material specifications set out in this code or the laws or regulations of the City; or

B. Alternatively, the City shall send out an inspector, and the inspector shall verify that the sign is in a safe condition with respect to its physical characteristics.

3. Signs Declared Unlawful. The Administrator may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall state the reasons of the Administrator for stating that the sign constitutes a safety hazard to the general public. Any sign owned, kept, displayed or maintained by any person within the City, the ownership keeping a display which is unlawful pursuant to the provisions of this chapter is hereby declared to be in violation of this chapter. The Administrator may declare any such sign to be unlawful, and such declaration shall state in writing the reason or reasons why such sign and the keeping, owning, maintenance, construction, and display or operation thereof, is unlawful under the terms of this chapter, such declaration shall be sent to the owner and shall include notification that unless such violation is corrected within thirty (30) days, said sign shall be removed at the owner's expense.

168.15 NONCONFORMING SIGNS. Nonconforming signs may be continued and maintained subject to the provisions of Subsection 2 below, provided that a nonconforming sign shall not be enlarged, reconstructed, structurally altered or changed in any manner, nor shall copy on an on-premises nonconforming sign be changed to advertise or identify any use other than that in operation on the effective date of this chapter.

1. Legally Nonconforming Signs. Such signs may be continued and maintained subject to the provisions of Subsection 2 below, provided that a nonconforming sign shall not be enlarged, reconstructed, structurally altered or changed in any manner, nor shall copy on an on-premises nonconforming sign be changed to advertise or identify any use other than that in operation on the effective date of this chapter.

2. Termination of Legally Nonconforming Signs. A legally nonconforming sign shall immediately lose its legal status, and shall immediately comply with the provisions of this chapter or be removed, if any of the following occurs:

A. Abandonment. Any sign which advertises or identifies a business, product, or service that has not been available or in operation at the location for more than ninety (90) days, or which has not been maintained in a state of good repair for such time, shall be deemed to be abandoned and nonconforming rights extinguished, and shall be removed. This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided there is a clear intent to continue operation of the business.

B. Destruction, Damage, or Obsolescence. If more than 60% of the face of a sign is damaged or destroyed, or if a sign is structurally damaged, the sign shall be brought in conformance with this chapter.

C. Amortization. Legally nonconforming signs shall be maintained only as long as they advertise or identify the business or nature thereof in existence on the effective date of this chapter. Change of copy, enlargement, relocation, reconstruction, structural alteration, or other change shall not be permitted. The right to maintain a legally nonconforming sign shall be deemed to run with the business in existence on the effective date of this chapter and shall not be transferable to another business, use, or lot, but shall expire along with discontinuation of the business, service, or product being advertised on the effective date of this chapter. Copy on off-premises signs and changeable copy boards which is meant to be periodically changed may be changed without affecting legally nonconforming status.

3. Maintenance and Repair. Nothing in this chapter shall relieve the owner or user of a legally nonconforming sign or the lot owner from maintaining such sign in a state of good repair.

168.16 APPEALS. Appeal may be taken to the Board of Adjustment from the Administrator's denial of a sign permit. The Administrator's failure to either formally grant or deny a sign application within thirty (30) days of the date an application meeting the requirements of this Code is filed shall be grounds for appeal to the Board of Adjustment.

(Ch. 168 – Ord. 200 – Nov. 04 Supp.)

[The next page is 715]

CHAPTER 170

SUBDIVISION REGULATIONS

170.01 Purpose	170.11 Preliminary Plat – Requirements
170.02 Jurisdiction	170.12 Final Plat and Accompanying Material - Requirements
170.03 Definitions	170.13 Water and Sewer Fees
170.04 Approval Procedure	170.14 Review and Inspection Fees
170.05 Subdivision Design Standards	170.15 Performance and Maintenance Bonds
170.06 Street Design Standards	170.16 Variations and Exceptions
170.07 Block Design Standards	170.17 Enforcement
170.08 Lot Design Standards	170.18 Changes and Amendments
170.08A Storm Drainage Facilities	170.19 Boundary Establishment or Retracement Surveys
170.09 Required Improvements	170.20 City Staff Determination of Non-Applicability
170.10 Approval of Final Plat and Final Acceptance of Improvements	

170.01 PURPOSE. It is deemed essential to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety and general welfare.

170.02 JURISDICTION. In accordance with the provisions of Sections 354.8 and 354.9 of the Code of Iowa, and all amendatory acts thereto, these regulations are adopted by the City governing the subdivision of land located within the corporate limits of the City and the unincorporated area of Dallas County and Polk County within two (2) miles distance from the City's boundaries. The standards and conditions applied by the City for review and approval of a subdivision plat or plat of survey outside the corporate limits shall be the same standards and conditions used for review and approval of subdivisions within the City limits, or shall be the standards and conditions for review and approval established by any agreement of the City and Dallas County or Polk County pursuant to Chapter 28E of the Code of Iowa. The Council may, by resolution, waive its right to review a subdivision outside the corporate limits or waive the requirements of any of its standards or conditions for approval of subdivisions, and certify the resolution which shall be recorded with the plat. *(Ord. 181 – Oct-03 Supp.)*

170.03 DEFINITIONS. The following definitions apply to the interpretation of this chapter.

1. "Access street" means a street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.

2. “Block” means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys; and the exterior boundary or boundaries of the subdivision.
3. “Building lines” shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by regulations. Such building lines shall not be less than required by the Zoning Code. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.
4. “City Engineer” means the City Engineer, consulting engineer or any other agent of the City designated to fulfill the function of City Engineer with respect to this chapter.
5. “Commission” means the Plan and Zoning Commission of the City.
6. “Collector streets” are those streets which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
7. “Cul-de-sac” means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turn-around.
8. “Easement” means a grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.
9. “Engineer” is a registered engineer authorized to practice civil engineering, as defined by the Registration Act of the State of Iowa.
10. “Half street” means a one-half width street right-of-way on the boundary of a subdivision dedication 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.
11. “Lot” means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

12. "Major thoroughfare" means a street used primarily for fast, large-volume traffic.
13. "Minor street" means a street used primarily for access to the abutting properties.
14. "Performance bond" means a surety bond or cash deposit made to the City in an amount equal to the full cost of the improvements which are required by this chapter, such cost being estimated by the City Engineer, and the surety bond or cash deposit being legally sufficient to secure to the City that the improvements will be constructed in accordance with this chapter.
15. "Plat" means a map, drawing or chart on which the subdivider's plan of the subdivision is presented and which is submitted for approval and intended to be in final form to record.
16. "Roadway" means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.
17. "Subdivision" means the division of land into two or more lots for the purpose, whether immediate or future, of transfer of ownership. A division of land which creates a new street right-of-way or modification of existing street right-of-way shall be considered a division of property for the transfer of ownership or building development under the provisions of this definition. A division of property for the purpose of adjusting boundaries which does not create a new and independent parcel capable of building development shall not be considered a division of land into two or more lots for purpose of this definition. The term "subdivision," when appropriate to the context, relates to the process of subdividing, or to the land subdivided, or the resubdivision of land heretofore divided or platted into lots, or any other division of land. The creation of easements which do not affect the taxable status of land shall not be considered a division of land. The creation of easements which affect the taxable status of land shall be considered a division of land.
(Ord. 182 – Oct-03 Supp.)
18. "Surveyor" means a registered surveyor authorized to practice surveying, as defined by the Registration Act of the State of Iowa.

170.04 APPROVAL PROCEDURE. Subdivision approval procedure is as follows:

1. Submission. Whenever the owner of any tract or parcel of land within the jurisdiction of this chapter wishes to subdivide or plat the same, said person shall cause to be prepared eight (8) copies of the

preliminary plat and other information and data as is outlined in Section 170.11.

2. Referral. The Clerk shall immediately refer copies of the preliminary plat to the Commission and to the City Engineer. The City Engineer shall carefully examine the plat as to its compliance with this chapter, the regulations of the City, the existing street system, and good engineering practices and shall, as soon as possible, submit a report and findings to the Commission.

3. Commission Review and Recommendation. After receiving the City Engineer's report, the Commission shall study the preliminary plat and other material for conformity to this chapter. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made. Before approving a preliminary plat, the Commission may, at its discretion, hold a public hearing on the proposed plat, notice of which shall be given by publication in a newspaper of general distribution. It shall also send notices to affected property owners by mail. The notice shall be given within seven (7) days prior to the public hearing. The Commission shall file with the Council recommendations for approval or rejection of such preliminary plat within forty-five (45) days after the date of submission of the plat to the Commission; the Council shall consider them, and if the plat is found to conform to the provisions of this chapter, the Council shall approve the preliminary plat.

4. Effective Period of Preliminary Plat Approval. The approval of the preliminary plat by the Council shall be null and void unless the final plat is presented to the Council within one (1) year after date of the preliminary plat approval, except as provided in subsection 5 below.

5. Phased Preliminary Plat. A "Phased Preliminary Plat" is a preliminary plat that, due to its size and magnitude, is not likely to be developed in a single phase and for which the developer has expressed intent to develop the project in a phased implementation. In the case of such larger developments, the Council encourages developers to include in a preliminary plat the entire parcel to be developed. Such a procedure enables the City to review and comment on the overall development.

6. Procedure for Designating a Phased Preliminary Plat. A developer must file with the Commission a written request that a project be designated as a phased preliminary plat. The request shall include an outline of the developer's plan for phased implementation of the development. Following review by the City Engineer, the Commission shall either grant or deny such request within forty-five (45) days of its

submission. The Commission may, however, on its own motion determine that a project will be designated as a phased preliminary plat. Thereafter, the review and approval process shall be the same as for all other preliminary plats.

7. **Effective Period of Phased Preliminary Plat Approval.** The approval of a phased preliminary plat by the Council shall be null and void unless the final plat is (or final plats are) presented to the Council within two (2) years after the date of the phased preliminary plat approval. However, the filing of a final plat constituting more than five percent (5%) of the area of the phased preliminary plat extends the validity of the phased preliminary plat by two (2) additional years.

8. **Approval of Final Plat.** Approval of the final plat and final acceptance of improvements shall be given by resolution of the Council, which shall direct the Mayor and Clerk to certify the resolution which shall be affixed to the final plat. The procedure for approval of the final plat is outlined in Section 170.10 of this chapter.

9. **Minor Plat Approval.** The Commission and Council may, on a case by case basis and in their sole discretion, determine that the approval of a preliminary plat that does not include any improvements also constitutes the approval of the final plat.

(Ord. 181 – Oct-03 Supp.)

170.05 SUBDIVISION DESIGN STANDARDS. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of a plat, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood.

170.06 STREET DESIGN STANDARDS. Street design standards are as follows:

1. **Comprehensive Plan.** All proposed plats and subdivisions shall conform to the comprehensive plan. All proposed plats and subdivisions shall also conform to additional proposed street plans as set out by the City.
2. **Continuation of Existing Streets or Planned Streets.** Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) or any streets which are part of an approved preliminary subdivision plan, in adjoining property, at equal or greater width, but not less than sixty (60) feet in width, and in similar alignment, unless variations are recommended by the Commission.

(Ord. 182 – Oct-03 Supp.)

3. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead ended, an interim turnaround may be required.
4. Street Intersections. Street intersections shall be as nearly at right angles as possible.
5. Cul-de-sac. Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred thirty (130) feet in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of fifty (50) feet. The property line(s) at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than one hundred fifty (150) feet; or equal straight approach lines. A turnaround diameter greater than one hundred thirty (130) feet may be required by the Commission in the case of commercial or industrial subdivisions if it is deemed necessary.
6. Street Names. All newly platted streets shall be named and in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.
7. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.
8. Half Streets. Dedication of half streets will not be permitted. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.
9. Alleys. Alleys may be permitted in residential districts. (Except where justified by unusual conditions, alleys will not be approved in commercial or industrial districts.) Dead-end alleys shall be provided with a means of turning around at the dead end thereof.
(Ord. 182 – Oct-03 Supp.)
10. Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Whenever any stream or

important surface water course is located in an area that is being subdivided, the subdivider shall, at the subdivider's own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the City an easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream and 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 fifty (50) feet on each side of the centerline of the stream or watercourse.

11. Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

12. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.

13. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy trafficway, the street layout shall provide motor access to such frontage by one of the following means:

- A. A parallel street, supplying frontage for lots backing onto the trafficway;
- B. A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway;
- C. An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced;
- D. A service drive or alley at the rear of the lots.

Where any one of the above-mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the trafficway.

14. Dedication. A deed to the City shall be given for all streets before the same will be accepted for City maintenance.

15. Railroads. If a railroad is involved, the subdivision plan should:

- A. Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad;

B. Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad; or form a buffer strip for park, commercial or industrial use.

16. Street Widths. All streets shall have a right-of-way width of sixty (60) feet and a pavement width of thirty-one (31). However, in residential districts, the Council may approve, after recommendation by the Commission, streets having a minimum pavement width of twenty-six (26) feet, and minimum right-of-way of fifty (50) feet.

(Ord. 182 – Oct-03 Supp.)

17. Street Grades. Streets and alleys shall be completed to grades which have been officially determined or approved by the City Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. All streets must have a minimum grade of one-half of one percent (0.5%). The maximum grade shall not exceed six percent (6%) for main and secondary thoroughfares, or ten percent (10%) for minor or local service streets. All vertical curves must be approved by the City Engineer. The grade alignment and resultant visibility, especially at intersections, must meet the approval of the City Engineer.

(Ord. 182 – Oct-03 Supp.)

18. Power Lines, Telephone Lines and Cable Television Lines. All power lines, telephone lines and cable television lines shall be underground construction. All leads to light poles shall be underground. The subdivider shall submit his or her proposed plan directly to the utility company so proper planning can be made for this construction. The subdivider should refer to “Standard Specifications for Public Works” for utility locations.

170.07 BLOCK DESIGN STANDARDS. Block design standards are as follows:

1. Length. No block shall be longer than six hundred sixty (660) feet. This distance may be reduced by the City if it is considered to be excessive in its particular application.

(Ord. 182 – Oct-03 Supp.)

2. Block Corner Radius. At street intersections, block corners shall be rounded with a radius of not less than fifteen (15) feet; unless at any one intersection a curve radius has been previously established, then such radius shall be used as standard.

170.08 LOT DESIGN STANDARDS. Lot design standards are as follows:

1. Corner Lots - Widths. Corner lots shall have a minimum width of eighty (80) feet in order to permit adequate building setbacks on both front and side streets.
2. Double Frontage Lots Prohibited. Double frontage lots, other than corner lots, shall be prohibited except where such lots back on to a major street or highway or except in the case of large commercial or industrial lots.
3. Side Lot Lines. Side lot lines shall be approximately at right angles to the street or radial to curved streets.
4. Lot Size - Public Sewer Not Available. For the purpose of complying with minimum health standards, lots which cannot be reasonably served by an existing public sanitary sewer system shall have a minimum width of one hundred (100) feet, measured at the building line, and an area of not less than twenty thousand (20,000) square feet.

170.08A STORM DRAINAGE FACILITIES. The subdivider shall submit plans with the preliminary plat for storm drainage facilities prepared by a Civil Engineer registered in the State of Iowa. Such facilities shall be designed to convey drainage through the proposed subdivision equivalent to the 100-year storm in a developed state. On-site drainage facilities shall be designed to provide sufficient detention facilities to reduce the release rate to the equivalent of a 5-year recurrence interval storm when the property was in a undeveloped state. The storm drainage facilities shall be extended as far as necessary to accommodate footing drain water discharge and to serve adjacent tributary properties. Upon request by the subdivider, and on a case-by-case basis, the City Engineer may, either before or following formal submission, waive the requirement to submit a Storm Water Management Plan in the event the City Engineer determines the proposed development does not adversely impact the City's stormwater management plan. *(Ord. 261 – Dec. 08 Supp.)*

170.09 REQUIRED IMPROVEMENTS. Required improvements are as follows:

1. General. The subdivider shall install and construct all improvements required by this chapter. The subdivider shall submit three sets of the plans and specifications for all public improvements to be reviewed by the City Engineer and approved by the Council prior to start of construction. All required improvements shall be installed and constructed in accordance with "Standard Public Works Specifications" on file in the office of the Clerk, unless otherwise approved by the City Engineer. Inspection shall be provided by the City at the subdivider's expense as deemed necessary to assure the quality workmanship on all portions of the construction to be dedicated to the City. Said inspections

costs which are a part of the review and inspection costs provided for in Section 170.14 shall be paid for by the subdivider before final approval will be given. The subdivider shall provide a minimum of 24 hours' notice to the City prior to commencement of construction work so the City can make arrangements for an inspector. At the completion of construction, all improvements required by these regulations shall be reviewed and approved by the Council.

2. Grades. All streets, alleys and sidewalks within the platted area which are dedicated for public use shall be brought to the grade approved by the Council after receiving the report and recommendations of the City Engineer.

3. Paving. Concrete paving with curbs shall be installed on all roadways in the plat being dedicated for public use and shall be constructed of Portland cement concrete in accordance with designs and specifications approved by the Council and at grades established by the City Engineer.

4. Sidewalks. Sidewalks shall be constructed on both sides of all streets being dedicated for public use. Sidewalks shall be a minimum of five (5) feet in width and shall be constructed of Portland cement concrete in accordance with designs and specifications approved by the Council and at grades established by the City Engineer.

(Ord. 354 – Dec. 17 Supp.)

5. Water and Sewers. Water mains, sanitary sewer lines, and storm sewers and their appurtenances shall be constructed and installed in accordance with the plans and specifications adopted by the Council. Water and sewer lines shall be made accessible to each lot.

6. Storm Sewer. A suitable storm sewer for sump pump drainage shall be available to all lots within a subdivision.

7. Extension of Services to Property Line. The subdivider shall extend services for water, sewer, and sump pump discharge to the lot lines for each lot within a subdivision. The locations of the services must be clearly marked and a record of the service locations provided to the City by the subdivider.

(Ord. 182 – Oct-03 Supp.)

170.10 APPROVAL OF FINAL PLAT, AND FINAL ACCEPTANCE OF IMPROVEMENTS. Provisions for the final approval and acceptance of the final plat and improvements are as follows:

1. Construction of Improvement and Posting of Maintenance Bonds. Before the Council approves the final plat, all of the improvements required in Section 170.09 shall be constructed and accepted by formal

resolution of the Council. Before passage of a resolution of acceptance, the City Engineer shall report that the improvements meet all City specifications and ordinances or other requirements, and all agreements between the subdivider and the City; the subdivision owner shall provide at no cost to the City a complete set of as constructed plans for the improvements required by Section 170.09; and the City Attorney shall report that the subdivision owner has filed in proper form a maintenance bond (or bonds) to cover all construction being dedicated to the City. Maintenance bonds shall be in the name of the contractors who have done the work. Maintenance bonds shall be in effect from the passage of the resolution of acceptance by the Council, then for the following numbers of years:

- A. Concrete paving – four (4) years;
- B. Storm sewers and appurtenances – four (4) years;
- C. Sanitary sewers and appurtenances – four (4) years;
- D. Water mains and appurtenances – four (4) years;
- E. Sidewalks – four (4) years.

(Ord. 303 – Dec. 13 Supp.)

2. Waiver. The requirements for the construction of all improvements may be waived if the subdivider will post a performance bond or certified check with the Council guaranteeing that the improvements will be constructed within a period of one year from final acceptance of the plat. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after all construction has been completed, all in accordance with the requirements of this chapter. No maintenance work will be done by the City and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

3. Resubdivisions. The Council may waive the requirements for the construction and installation of some or all of the improvements required in Section 170.09 in cases of resubdivisions where only the size, shape and arrangement of the lots are being changed and no new streets are required and in case of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.

170.11 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat of a subdivision is not intended to serve as a recorded plat. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of

the public interest. The subdivider, or his or her representative, may call at the City offices in advance of submitting the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat.

1. Number of Copies and Scale. Eight (8) copies of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall be one inch equals fifty feet on small subdivisions and one inch equals one hundred feet on large subdivisions, unless otherwise approved by the Commission.

2. Contents of Preliminary Plat. Preliminary plat contents are as follows:

- A. Name of subdivision, date, point of compass, scale, and official description of the property being platted.
- B. Name and address of recorded owner and of developer.
- C. Name and address of engineer and/or land surveyor.
- D. Existing buildings, railroads, underground utilities and other rights-of-way.
- E. Location, names and widths of all existing and proposed roads, alleys, streets and highways in or adjoining the area being subdivided.
- F. Location and names of adjoining subdivisions, and the names of the owners of adjoining subdivisions, and the names of the owners of adjoining acreage parcels.
- G. Proposed lot lines with approximate dimensions and the square foot area of non-rectangular lots.
- H. Areas dedicated for public use, such as schools, parks and playgrounds.
- I. Contour lines at intervals of not more than five (5) feet.
- J. Building setback lines.
- K. Boundaries of the proposed subdivision shall be indicated by a heavy line.
- L. Zoning classification of the area.
- M. Proposed utility service:
 - (1) Source of water supply.
 - (2) Provision for sewage disposal.
 - (3) Provision for storm water drainage.

- N. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
 - O. Lot numbers.
 - P. Proposed street widths.
3. Accompanying Material. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the engineer preparing the plat. Such test shall be made in accordance with specifications approved by the City Engineer.

(Ord. 182 – Oct-03 Supp.)

170.12 FINAL PLAT AND ACCOMPANYING MATERIAL REQUIREMENTS. Final plat requirements are as follows:

1. Number of Copies and Scale. When and if the preliminary plat is approved, the subdivider shall submit eight (8) copies of the final plat for review by the Commission. The scale of the map shall be one inch equals fifty feet on small subdivisions and one inch equals one hundred feet on large subdivisions, unless otherwise approved by the Commission.
2. Monumentation. Prior to the offering of the plat of any subdivision for record, the following procedures shall be followed:
 - A. The surveyor shall confirm the prior establishment of control monuments at each controlling corner of the boundaries of the parcel or tract of land being surveyed. If no control monuments exist, the surveyor shall place the monuments. Control monuments shall be constructed of reasonably permanent material, solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa registration number of the surveyor to the top of each monument which the surveyor places.
 - B. Control monuments shall be placed at the following locations:
 - (1) Each corner and angle point of each lot, block or parcel of land surveyed.
 - (2) Each point of intersection of the outer boundary of the survey with an existing or created right-of-way line of a street, railroad or other way.

(3) Each point of curve, tangency, reversed curve or compounded curve on each right-of-way line established.

C. If the placement of a monument required by this section at the prescribed location is impractical, a reference monument shall be established near the prescribed location. If a point requiring monumentation has been previously monumented, the existence of the monument shall be confirmed by the surveyor.

D. At least a minimum number of two survey control monuments are required to be placed before the recording of a subdivision provided the surveyor includes in a surveyor's statement a declaration that additional monuments shall be placed before a date specified in the statement or within one year from the date the subdivision is recorded, whichever is earlier.

3. Contents of Final Plat. Every plat of a subdivision offered for record shall conform to all of the following provisions where applicable:

A. The plat shall be a permanent copy or a photographic print made on a stable plastic film. Exact copies of the plat to be recorded shall be provided to and filed by the County Recorder, Assessor and Auditor. The original plat drawing shall remain the property of the registered land surveyor.

B. The size of each sheet showing any portion of the subdivided lands shall not be greater than eighteen (18) inches by twenty-four (24) inches or less than eight and one-half (8½) inches by eleven (11) inches.

C. Whenever more than one sheet is used to accurately portray the lands subdivided, each sheet shall display both the numbers of the sheet and the total number of sheets included in the plat, as well as clearly labeled match lines indicating where the other sheets adjoin. An index sheet shall be provided to show the relationship between the sheets.

D. A maximum scale of one hundred feet to one inch shall be used unless permission to use a different scale is obtained in writing from the Commission. The scale used shall be clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the lands subdivided.

E. Subdivisions shall be designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each sheet included in the plat.

F. An arrow indicating the northern direction shall be drawn in a prominent place on each sheet included in the plat.

G. All monuments to be of record shall be adequately described and clearly identified on the plat. When additional monuments are to be established subsequent to the recording of the plat, the location of the additional monuments shall be shown on the plat.

H. Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.

I. All distances shall be shown in feet to the nearest one-hundredth of a foot, and in accordance with the definition of a foot adopted by the United States Bureau of Standards. All measurements shall refer to the horizontal plane.

J. The course of every boundary line shown on the plat shall be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line having a shown course. All bearings and angles shown shall be given to at least the nearest minute of arc.

K. Curve data shall be stated in terms of radius, central angle and tangent, or length of curve and unless otherwise specified by this chapter curve data for streets of uniform width may be shown only with reference to the centerline, and lots fronting on such curves may show only the chord bearing and distance of such portion of the curve as is included in their boundary. In all other cases, the curve data must be shown for the line affected.

L. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1/10,000 and shall be 1/5,000 for any individual lot.

M. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a meander line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary shown with as much certainty as can be

determined or as “more or less,” if variable. In all cases, the true boundary shall be clearly indicated on the plat.

N. All interior excepted parcels shall be clearly indicated and labeled “not a part of this plat.”

O. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of the subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to permit an overlay to be made. Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.

P. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat. All such easements relative to their usage and maintenance shall be approved by the Council prior to the recording of the plat.

Q. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determine by the governing body.

R. The purpose of all areas dedicated to the public must be clearly indicated on the plat.

S. Notwithstanding the requirements of this section, the plat must also conform to all current requirements of the Code of Iowa, and to the extent of any inconsistency in requirements, the Code of Iowa shall govern.

T. The street address number for each lot shall be shown.
(Ord. 182 – Oct-03 Supp.)

4. Accompanying Material. The following material shall accompany the final plat:

A. The subdivider shall submit three copies of the plan drawings for all improvements required under these regulations showing the as-constructed locations of all streets, alleys, conduits, sewers and pipelines to be placed within public right-of-way, on public easements or dedicated to the City. The plans and

specifications shall show the plan and profile of all such improvements.

B. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.

C. A deed to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use.

D. The following certificates or statements:

(1) A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council.

(2) A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the Code of Iowa may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the governing body or dedicated to the public.

(3) An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purposes of this section.

(4) A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the

certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.

(5) A subdivision plat which includes no land set apart for streets, alleys, parks, open areas, school property or public use other than utility easements shall be accompanied by the documents listed in subsections (1), (2) and (3) and a certificate of the County Treasurer that the land is free from certified taxes other than certified special assessments.

(6) Performance bond, if any.

170.13 WATER AND SEWER FEES. The subdivider shall pay a water fee of two hundred and fifty dollars (\$250.00) and a sewer fee of two hundred and fifty dollars (\$250.00) for each lot in the final plat upon which a residential dwelling or commercial building may be constructed. This fee shall be paid to the Clerk prior to the Council's approval of the final plat.

(Ord. 144 – Apr. 99 Supp.)

170.14 REVIEW AND INSPECTION FEES. Before a preliminary plat may be considered by the Commission, the subdivider or his or her agent shall pay fifty dollars (\$50.00) to the Clerk to cover the cost of the Commission's initial review of the preliminary plat.

All costs in excess of five hundred dollars (\$500.00) incurred by the City in the review of the preliminary and final plats and in any inspections required by this chapter shall be paid and reimbursed by the subdivider to the City before final approval is given to the plat.

(Ord. 144 – Apr. 99 Supp.)

170.15 PERFORMANCE AND MAINTENANCE BONDS. The subdivider is required to use standard performance and maintenance bonds, forms of which are available from the Clerk. The subdivider shall submit the performance bond form for the entire subdivision, along with the request for approval of the subdivision. The maintenance bond forms shall be submitted by each contractor for its portion of the work, covering all concrete paving, storm sewer, sanitary sewers, water mains and sidewalks, but only after all of these improvements are completed and accepted by the City.

170.16 VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual topography, size or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this chapter would result in substantial hardships or injustices, the Council, upon recommendation of the Commission, may vary or modify such requirements so that the subdivider is allowed to develop the

property in a reasonable manner; but so, at the same time, the public welfare and interest of the City and surrounding area are protected and the general intent and spirit of these regulations are preserved.

170.17 ENFORCEMENT. No plat or 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 has control to be made from City funds, or any City money expended for improvements or maintenance on any street in any area that has been subdivided unless such subdivision and streets have been approved in accordance with the provisions contained in this chapter, and accepted by the Council as a public street.

170.18 CHANGES AND AMENDMENTS. Any provision of this chapter may be changed and amended from time to time by the Council; provided, however, that such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least seven (7) days prior to the hearing.

170.19 BOUNDARY ESTABLISHMENT OR RETRACEMENT SURVEYS. Any plat or plat of survey of property either within or outside the corporate limits which establishes existing boundaries or is a retracement of a prior plat or plat of survey is not subject to the review and approval provisions of this chapter.
(Ord. 265 – Dec. 08 Supp.)

170.20 CITY STAFF DETERMINATION OF NON-APPLICABILITY. In connection with the review of a plat or plat of survey, the City Engineer is authorized to make a determination that such plat or plat of survey is not subject to the review and approval requirements of this chapter. The City Engineer will notify the City Attorney of such a determination, and the City Attorney is authorized to notify the appropriate officials of either Dallas County or Polk County accordingly.
(Ord. 265 – Dec. 08 Supp.)

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