

City of Albia - Code of Ordinances

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TITLE I - POLICY AND ADMINISTRATION

CHAPTER 1
CODE OF ORDINANCES

- 1.01 Title
- 1.02 Definitions
- 1.03 City Powers
- 1.04 Indemnity
- 1.05 Rules of Construction
- 1.06 Amendments
- 1.07 Catchlines and Notes
- 1.08 Altering Code
- 1.09 Standard Penalty
- 1.10 Severability

1.01 TITLE. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Albia, Iowa, 1992.

1.02 DEFINITIONS. Where words and phrases used in the Code of Ordinances are defined by state law, such definitions shall 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, shall have the following meaning, unless specifically defined otherwise in another portion of this Code of Ordinances:

1. "Alley": shall mean a public right-of-way, other than street, affording secondary means of access, to abutting property.

2. "City": shall mean the City of Albia, Iowa.

3. "Clerk": shall mean the city clerk of Albia, Iowa.

4. "Code": shall mean the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).

5. "Code of Ordinances": shall mean the Code of Ordinances of the City of Albia, Iowa, 2012.

6. "Council": shall mean the city council of Albia, Iowa.

7. "County": shall mean the Monroe County, Iowa.

8. "Marshal": shall mean marshal or police officer.

9. "Measure": shall mean an ordinance, amendment, resolution or motion.

10. "Month": shall mean a calendar month.

10A. "Motor Vehicle License": shall also include the term driver's license.

11. "Oath": shall be construed in include 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" shall be equivalent to the words "swear" and "sworn".

12. "Occupant, Tenant": applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

13. "Ordinances": shall mean the ordinances of the City of Albia, Iowa, as embodied in the Code of Ordinances, ordinances not repealed by the ordinance adopting the Code of Ordinances, and those enacted hereafter.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": shall mean 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": shall mean next before and next after, respectively.

16. "Property": shall include real property and tangible and intangible personal property unless clearly indicated otherwise.

17. "Property Owner": shall mean a person owning private property in the City as shown by the County Auditor's plats of the City.

18. "Public Place": shall include in its meaning, but is not restricted to, any City-owned open place, such as parks and squares.

19. "Public Property": shall mean 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": shall include any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

21. "Sidewalk": Shall mean 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": Shall mean the State of Iowa.

23. "Statutes, Laws": shall mean the latest edition of the Code of Iowa, as amended.

24. "Street": shall mean and include any public way, highway, street, avenue, boulevard, parkway, or other public thoroughfare, and each of such words shall include every other of them, and unless otherwise indicated in the text, shall include the entire width between property lines.

25. "Writing, Written": shall include printing, typing, lithographing, or other mode of representing words and letters.

26. "Year": shall mean 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 cost and expenses incident thereto, by reason of the foregoing. This section shall apply even though acts or omissions of the City, or its officers, agents and

employees may have caused or contributed to such damage, injury or death. This section shall apply even though the City, or its officers, agents and employees, may have knowledge of any act, damage, injury or death. The provisions of this section shall be deemed to be a part of any permit or license issued under this Code of Ordinances of any other ordinance of the City whether expressly recited therein or not.

1.05 RULES OF CONSTRUCTION. In the construction of the Codes 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. Tense: words used in the present tense include the future.
2. May: confers a power.
3. Must: states a requirement.
4. 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 to authorized to do an at by a provision of the Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duty authorized designee of said officer or employee.

1.06 AMENDMENTS. All ordinances which amend, repeal or in any manner affect the Code of Ordinances shall include proper reference to title, division, chapter, section, and subsection to maintain an orderly codification of ordinances of the City.(Code of Iowa, Sec. 380.2)

1.07 CATCHLINES AND NOTES. The catchlines of the several sections of the Codes 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.

1.08 ALTERING CODE. It is unlawful for any 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)

1.09 STANDARD PENALTY. Unless another penalty is expressly provided by the code of Ordinances for any particular provision, section, or chapter, any person failing to perform a duty, or obtain a license required by, or violating any provision of the Code of Ordinances, or any rule or regulation adopted herein by reference shall be guilty of a misdemeanor and, upon conviction, be subject to a fine of not more than **six hundred twenty five dollars (\$625.00)** or imprisonment not to exceed thirty (30) days unless a scheduled fine is established pursuant to the Code of Iowa. (Code of Iowa, Sec. 364.3[2])

1.10 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.

TITLE I - POLICY AND ADMINISTRATION

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 Albia, 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 two (2) Council Members elected at large and one (1) Council Member from each of four (4) wards as established by the Code of Ordinances, elected for terms of two (2) 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. 419 adopting a charter for the City was passed and approved by the Council on the 16th day of July, 1973, and published on the 19th day of July, 1973.

TITLE I - POLICY AND ADMINISTRATION

CHAPTER 3
BOUNDARIES

- 3.01 Corporate Limits
- 3.02 Division into Wards

3.01 CORPORATE LIMITS. The corporate limits of the City are described as follows:

1. All of Sections Fourteen (14), Fifteen (15), Sixteen (16), Twenty-one (21), Twenty-two (22), West half of Southwest Quarter of Section Twenty-three (23), Twenty-six (26), Twenty-seven (27), and Twenty-eight (28), all in Township Seventy-two (72) North, Range Seventeen (17) West of the Fifth Principal Meridian.

2. Part of the NE1/4 NE1/4 of Section 15, Township 72 North Range 17 West of the 5th P.M., Monroe County, Iowa, described as follows: Commencing at the NE corner of 40-acre tract; running thence southwesterly to a point 17.5 rods west of the SE corner thereof; thence west 62.5 rods to the SW corner of said forty; thence north 80 rods; thence east 80 rods to the place of beginning, containing 35 acres, more or less, except that part in the NW corner lying north of the public highway, containing 0.279 acres, more or less, subject to all existing highway and easements of record.

3.02 DIVISION INTO WARDS. The City is divided into four wards described as follows:(Code of Iowa, Sec. 372.4 and 372.13[7])

Precinct No. 1. The first ward is described as follows:

Commencing at the East corporate limits, thence West on East Benton Avenue to North 4th Street, thence North on North 4th Street to B Avenue East, thence West on B Avenue East to North 2nd Street, thence North on North 2nd Street to C Avenue East, thence East on C Avenue East to North 3rd Street, thence North on N 3rd Street to the BNSF right-of-way, thence Southwest on the BNSF right-of-way to Highway 137, thence North on Highway 137 to the corporate city limits, thence Easterly and Southerly along the boundary of the corporate limits of the City of Albia to the point of beginning.

Precinct No. 2. The second ward is described as follows:

Commencing at the intersection of 196th Street and the western corporate limits, thence east on 196th Street to its intersection with Washington Ave West, thence Easterly on Washington Ave West to

South C Street, thence South on South C Street to Third Ave West, thence East on Third Ave. West to South A Street, thence North on South A Street to West Benton Ave., thence East on West Benton Ave. to South Third Street, thence South on South Third Street to Washington Ave East, thence East on Washington Ave East to North 4th Street, thence North on North 4th Street to B Ave East, thence West on B Ave East to North 2nd Street, thence North on North 2nd Street to C Ave East, thence East on C Ave East to North 3rd Street, thence North on North 3rd Street to the right-of-way of the BNSF, thence southwesterly on the BNSF right-of-way to Highway 137, thence Northerly on Highway 137 to 664th Ave, thence westerly and southerly along corporate limits to the point of beginning.

Precinct No. 3. The third ward is described as follows:

Commencing at the West corporate limits and Washington Avenue West, thence Southwesterly, Southerly, thence Southerly and Easterly along the corporate limits of the City of Albia, Iowa, to the intersection of the East corporate limits and 4th Avenue East, thence West along 4th Avenue East to South 13th Street, thence Southwesterly along the BNSF right-of-way to South Main Street, thence North on South Main Street to 6th Avenue, thence Easterly on 6th Avenue East to South 2nd Street, thence North on South 2nd Street to Washington Avenue East, thence East on Washington Avenue East to South 3rd Street, thence North on South 3rd Street to Benton Avenue East, thence West on Benton Avenue East to North A Street, thence South on North 8th Street to 3rd Avenue West, thence West on 3rd Avenue West to South C Street, thence North on South C Street to Washington Avenue West, thence Westerly on Washington Avenue West to the place of beginning.

Precinct No. 4. The fourth ward is described as follows:

Commencing at the east corporate limits and 4thAve East, thence west on 4thAve East to South 13thStreet,thence southwesterly along the BNSF right-of-way to South Main Street, thence North on South Main Street to 6th Ave, thence East on 6thAve to South 2nd Street, thence North on South 2nd Street to Washington Ave East, thence East on Washington Ave East to South 4th Street, thence North on South 4th Street to East Benton Ave, thence easterly on East Benton Ave to 664th Ave and the eastern corporate limits, thence south along 664th Ave and the eastern corporate limits to the place of beginning.

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.

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 violations 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. Sec. 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, 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 - Not to exceed **\$750**

B. Each Repeat Offense - Not to exceed **\$1,000**

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

2. Special Civil Penalties

A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. Sec. 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 of 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. 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 the 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 one copy 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 the 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.

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.

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 or Ordinances by criminal sanctions or other lawful means.

TITLE I - POLICY AND ADMINISTRATION

CHAPTER 5
OPERATION PROCEDURES

- 5.01 Oaths
- 5.02 Bonds
- 5.03 Duties: General
- 5.04 Books and Records
- 5.05 Transfers to Successors
- 5.06 Open Meetings
- 5.07 Conflict of Interest
- 5.08 Terms of Appointed Officers
- 5.09 Resignations
- 5.10 Removal of Appointed Officers
- 5.11 Vacancies
- 5.12 Unlawful Use of City Property
- 5.13 Gifts

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

1. Quality for Office. All elected officers and the following appointed officers shall qualify for office by taking the prescribed oath and by giving, when required, a bond:

- A: City Clerk.
- B: Deputy City Clerk.
- C: Peace Officer.
- D: Fire Chief.

The oath shall be taken, and bond provided, after being certified as elected but not later than noon of the first day which is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected. (Code of Iowa, Sec. 63.1)

2. Prescribed Oath. The Prescribed oath is: "I, (name), do solemnly swear that I will support the constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Albia as now or hereinafter 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 affirmation 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. 78.2 & 78.4)

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

1. Required. The Council shall provide by resolution for a surety bond running to the City and covering the Mayor, Clerk, Treasure, and such other officers and employees as may be necessary and advisable. (Code of Iowa, Sec. 64.15)

2. Surety. Any association or incorporation which does the business of insuring the fidelity of others, and which has authority by law to do business in the State, shall be accepted as surety upon any bonds required. (Code of Iowa, Sec. 64.15)

3. Bonds Approved. Bonds shall be approved by the Council. (Code of Iowa, Sec. 64.19[5])

4. Bonds Filed. All bonds, after approval and proper record, shall be filed with the Clerk. (Code of Iowa, Sec. 64.23[6])

5. 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 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)

5.05 TRANSFERS TO SUCCESSOR. Each office 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.

5.06 OPEN MEETINGS. All meeting of the Council, any board of commission, or any multi-membered body formally and directly

created by any of the foregoing bodies shall be held in open session unless closed sessions are expressly permitted by law. Notice of any such meeting shall be provided pursuant to law. (Code of Iowa, Sec. 21.3 & 21.4)

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 eight (8), or both, if the contract is for professional services not customary awarded by competitive bid, if the remuneration of employment will not be directly affected as a result of the contact, and if the duties of employment do not directly involve the procurement or preparation of any part of the contract. (Amended by Ordinance No. 544)(Code of Iowa, Sec. 362.5[5])

5. Newspaper. The designation of an official newspaper.

6. Existing Contracts. A contract in which a City officer or employee had 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[6])

7. Volunteers. Contracts with volunteer fire fighters or civil defense volunteers. (Code of Iowa, Sec. 362.5[7])

8. Corporations. A contract with a corporation in which a City Officer or employee has an interest by reason of stockholdings

when less than five (5) percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee. (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 purchasing of goods or services which benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of two thousand five hundred dollars (\$2,500) in a fiscal year. (Code of Iowa, Sec. 362.5[11])

5.08 TERMS OF APPOINTED OFFICERS. The terms of all appointed officers that are not otherwise fixed by law or ordinance shall be two (2) years, such terms expiring at the time of the organizational meeting of the Council in January following the regular municipal election and the appointment of a successor. (Code of Iowa, Sec. 372.13[4])

5.09 RESIGNATIONS. An elected officer who wished 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 elected 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])

5.10 REMOVAL OF APPOINTED OFFICERS. Except as otherwise provided by State or City law, all persons appointed to City office may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed in the office of the 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)

5.11 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 member of the Council within forty (40) days after the vacancy occurs, except that if the remaining members do not constitute a quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law. (Code of Iowa, Sec. 372.13 [2a])

2. 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])

5.12 UNLAWFUL USE OF CITY PROPERTY. No person shall use or permit any other person to use the property owned by the City of any private purpose and for personal gain, to the detriment of the City. (Code of Iowa, Sec. 721.2[5])

5.13 GIFTS. No City official, public employee, or candidate or that person's immediate family shall directly or indirectly accept or receive a gift or series of gifts in violation of Iowa Law and in particular Ch. 68B, Code of Iowa (2011).(Code of Iowa, Ch. 68B)

TITLE I - POLICY AND ADMINISTRATION

**CHAPTER 6
CITY ELECTIONS**

- 6.01 Purpose
- 6.02 Nomination Method to be used
- 6.03 Nominations by Petition
- 6.04 Adding Name by Petition
- 6.05 Preparation of Petition
- 6.06 Filing, Presumption, Withdrawals, Objections
- 6.07 Persons Elected

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

6.02 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)

6.03 NOMINATIONS BY PETITION. Nominations for an elective municipal office of the City may be made by nomination paper or papers signed by not less than twenty-five (25) eligible electors, residents of the ward. (Code of Iowa, Sec. 45.1[8])

6.04 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)

6.05 PREPARATION OF PETITION. Each eligible elector shall add to the signature the elector's residence address, and date of signing. Before filing said petition, there shall be endorsed thereon or attached thereto the affidavit of at least one (1) of the signers of said petition, which affidavit or affidavits shall show:

1. Name and Residence. The name and residence (including street and number, if any) of said nominee, and the office to which nominated.

2. Qualified Voter. That all of said signers are eligible electors of the State and entitled to vote for such nominee for such office.

3. Voluntary Signature. That each of said petitioners voluntarily signed said petition. Such petition when so verified shall be known as a nomination paper. (Code of Iowa, Sec. 45.3)

6.06 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 withdrawal and the effect of such withdrawal, and the right to object to the legal candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa. (Code of Iowa, Sec. 45.4)

6.07 PERSONS ELECTED. The candidates who receive that 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])

TITLE I - POLICY AND ADMINISTRATION

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 Capital Budget Preparation
- 7.07 Budget Amendments
- 7.08 Investment of Funds
- 7.09 Accounting
- 7.10 Financial Reports
- 7.11 Contingency Account
- 7.12 Unauthorized Expenditure

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 FINANCIAL OFFICER. The City Clerk shall be the finance and accounting officer of the City and shall be responsible for the administration of the provisions of this chapter.

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

1. Deposit of Funds. All monies or fees collected for any purpose by any City officer shall be deposited through the office of the finance officer. If any said fees are due to an officer, they shall be paid to the officer by check drawn by the finance officer and approved by the Council only upon such officer making adequate reports relating thereto as required by law, ordinance or council directive. (Code of Iowa, Sec. 721.2[2])

2. Depositories. Monies belonging to the City shall be promptly deposited in depositories selected by the Council in amounts not exceeding the authorized depository limitation established by the Council.

3. Petty Cash Fund. The finance officer shall be custodian of a petty cash fund not to exceed twenty-five dollars (\$25.00) for the payment of small claims for minor purchases, collect-on-delivery transportation charges and small fees customarily paid at the time of rendering a service for which payments the Clerk shall obtain

some form of receipt of bill acknowledged as paid by the vendor or agent. At such time as the petty cash fund is approaching depletion, the Clerk shall draw a check for replenishment in the amount of the accumulated expenditures and said check supporting detail shall be submitted to the Council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

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

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

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

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

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

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

6. Utility and Enterprise Funds. A surplus in a utility or enterprise fund may be transferred to any other City fund, except the emergency fund, by resolution of the Council. A surplus shall be defined in accordance with generally accepted accounting principles as promulgated by the American Institute of Certified Public Accountants. No transfer shall be made that is in violation of State law or rules of the City Finance Committee.

6A. Charitable Contributions to the Albia Fire Department. Funds donated to the Albia Fire Department shall be audited annually. Expenditures and disbursements from said fund shall be in the sole discretion of the Albia Volunteer Fire Department.

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 OPERATION BUDGET PREPARATION. The annual operation budget of the City shall be prepared in accordance with the following:

1. Proposal Prepared. The Clerk shall be responsible for preparation of the annual budget detail, for review and adoption by the Mayor and 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 Clerk for inclusion in the proposed City budget no later than February 1 of each year and in such form as may be required by the Clerk.

3. Submission to Council. The Clerk shall submit the completed budget proposal to the Council no later than February 15 of each year.

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

5. Notice of Hearing. Upon adopting a proposed budget the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than four (4) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor. (Code of Iowa, Sec. 384.16[2])

6. Adoption and Certification. After the hearing, the Council shall adopt, by resolution, a budget for at least the next fiscal year and the Clerk shall certify the necessary tax levy for the next fiscal year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the County Auditor. (Code of Iowa, Sec. 384.16[5])

7.06 CAPITAL BUDGET PREPARATION. (Reserved for Future Use)

7.07 BUDGET AMENDMENTS. The 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.

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.

3. Sub-program Transfer. Any transfer of appropriation from one sub-program to another must be approved by resolution of the Council.

4. Activity Transfers. The finance officer shall have the authority to adjust, by transfer or otherwise, the appropriation allocated to activities within a program or sub-program provided, however, that when such adjustments in any one activity aggregate one thousand dollars (1,000.00) or greater, no further adjustments shall be made without approval by resolution of the Council. All such transfers shall be reported in writing at the next regular meeting of the Council following the transfer and recorded in the minutes for the information of the Council and general public.

7.08 INVESTMENT OF FUNDS. The Clerk shall advise the Council on investments and shall invest City monies not immediately needed at interest in accordance with Council directives and the requirements of the Cod of Iowa. (Code of Iowa, CH. 12B)

7.09 ACCOUNTING. The accounting record 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 ad Clerk following Council approval, except as provided by

Subsection 5 hereof.

4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program, sub-program and activity as will provided adequate information and control for budgeting purposed 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 expenditures 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 be resolution authorized the Clerk to issue checks for immediate payment of amounts due, which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the Council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include but is not limited to payment of utility bills, contractual obligations, payroll and bond principal and interest.

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

7.10 FINANCIAL REPORTS. The Clerk shall prepare and filed 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 each 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, of 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)

7.11 CONTINGENCY ACCOUNT. Whenever the Council shall have budgeted for a contingency account such an account shall be established in the accounting records but no claims shall be paid from such an account. Contingency accounts may be drawn upon only

by Council resolution directing a transfer to a specific purpose account within its fund and program and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

7.12 UNAUTHORIZED EXPENDITURE. No City official or employee, or any person acting under color or 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])

TITLE I - POLICY AND ADMINISTRATION

CHAPTER 8
AMORTIZATION OF SPECIAL ASSESSMENTS

- 8.01 Purpose
- 8.02 Amortization Period Established
- 8.03 Maximum Amortization Period for Sidewalks Minor Street Work and Removal of Trees
- 8.04 Changes and Amendment

8.01 PURPOSE. The purpose of this chapter is to establish the period of amortization for public improvements for which there are special assessment conditional deficiencies as provided by law. (Code of Iowa, Sec. 384.63)

8.02 AMORTIZATION PERIOD ESTABLISHED. The amortization period for the 1980 Street Improvement Project shall be as follows:

1. Useful Life. The useful life of said project is established to be ten (10) years.

2. Date Established. The amortization period of ten (10) years shall commence on the date the Council finally accepted the project be resolution passed on the 3rd day of August 1981.

8.03 MAXIMUM AMORTIZATION PERIOD FOR SIDEWALKS, MINOR STREET WORK AND REMOVAL OF TREES. The maximum period of amortization, to be computed in the same manner as established in Section 8.02 hereof, is hereby established as seven (7) years for sidewalks and three (3) years of for the repair of street grading, street surfacing with oil, gravel, oil and gravel or chloride, or for the removal of diseased or dead trees. (Code of Iowa, Sec. 384.63)

8.04 CHANGES AND AMENDMENT. In any instance where the Council determines that the useful life of a public improvement should be for a different time period then hereinabove established, the Council may so provide for such period by amendment hereto, prescribing the appropriate amortization period as may be applicable to these specific public improvements.

TITLE I - POLICY AND ADMINISTRATION

CHAPTER 9
INDUSTRIAL PROPERTY TAX EXEMPTIONS

- 9.01 Purpose
- 9.02 Definitions
- 9.03 Period of Partial Exemption
- 9.04 Amounts Eligible for Exemption
- 9.05 Limitations
- 9.06 Application
- 9.07 Approval
- 9.08 Exemption Repealed
- 9.09 Dual Exemptions Prohibited

9.01 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.

9.02 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 meant the actual value as determined by the local 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 agriculture 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 building and structures and includes new building and structure which are constructed as additions to existing building 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.

9.03 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 improvements to machinery and equipment assessed as real estate, is eligible to receive a partial exemption from taxation of a period of five (5) years.

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

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%)

9.05 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.

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

1. The application for exemption shall be filed by the owner of the property with the local assessor by February 1 of the assessment year in which the value added is first assessed for taxation.

2. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

9.07 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 approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate.

9.08 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.

9.09 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.

TITLE - POLICY AND ADMINISTRATION

CHAPTER 10
FAIR HOUSING

- 10.01 Purpose
- 10.02 Discriminatory Practices Defined
- 10.03 Exemptions
- 10.04 Complaints Filed

10.01 PURPOSE. The purpose of this chapter is to provide for the general welfare for the citizens of the City by declaring discriminatory practices in housing to be against public policy, and to provide proper procedures for the administration and enforcement of this chapter.

10.02 DISCRIMINATORY PRACTICES DEFINED. It shall be an unlawful discriminatory housing practice to engage in any of the following acts, if they are based on race, creed, color, age, disability, sex, national origin, religion or ancestry:

1. Refusing to sell or rent to, deal or negotiate with any person.
2. discriminating in terms, conditions or privileges for buying, renting or any transfer of housing.
3. Discriminating by advertising that housing is available only to persons of a certain race, creed, color, age, disability, sex, national origin, religion or ancestry.
4. Denying that housing is available for inspection, sale or rent when in fact it is so available.
5. For profit, persuading owners to sell or rent housing by telling them that minority groups are moving into the neighborhood.
6. Denying or making different rates, terms or conditions for home loans by commercial lenders, such as banks, savings and loans associations and insurance companies.
7. Making a record of or making available for public knowledge in any way a person's race, creed, color, age, disability, sex, national origin, religion or ancestry.
8. Denying to anyone the use of or participation in any real estate services, such as brokers' organizations, multiple listing services or other facilities related to the selling or renting of

housing.

10.03 EXEMPTIONS. Nothing in this chapter shall be construed to apply to:

1. The sale or rental of single-family houses owned by a private individual owner of three or fewer such single-family houses, provided:

- A. A broker is not used;
- B. Discriminatory advertising is not used;
- C. No more than one house in which the owner was not the most recent resident is sold during any two-year period.

2. Rentals of rooms or units in owner-occupied multi-dwelling for two to four families, if discriminatory advertising is not used.

3. Limiting the sale, rental, or occupancy of dwelling which a religious organization owns or operates for other than a commercial purpose to persons of the same religion, if membership of that religion is not restricted on account of race, color or national origin.

4. Limiting to its own members the rental or occupancy of lodging which a private club owns or operated for other than a commercial purpose.

10.04 COMPLAINTS FILED. In order to insure that the rights of all parties will adequately be protected, the following procedures are available:

1. Any person claiming to be aggrieved by a discriminatory or unfair practice within the City may, alone or through an attorney, make, sign and file a verified written charge of discriminatory practice with the Fair Housing Officer of the City.

2. If the local Fair Housing Officer is unable to obtain voluntary compliance, the complainant may also send a notarized complaint to HUD within 180 days of the alleged discriminatory act.

3. A person may also take a complaint directly to the U.S. District Court or State or local court within 180 days of the alleged discriminatory act.

4. Information about possible discrimination in housing may

also be brought to the attention of the Attorney General.

TITLE I - POLICY ADMINISTRATION

CHAPTER 11
URBAN REVITALIZATION AREA

- 11.01 Designation of Revitalization Area
- 11.02 Revitalization Plan

11.01 DESIGNATION OF REVITALIZATION AREA. Pursuant to Chapter 404 of the Code of Iowa, the entire area within the corporate boundaries of the City, as established and existing on May 7, 1990, is hereby declared to be an Urban Revitalization Area.

11.02 REVITALIZATION PLAN. The Urban Revitalization Plan for the City is on file in the office of the Clerk and is hereby declared to be the Urban Revitalization Plan for the City.

TITLE I - POLICY AND ADMINISTRATION

CHAPTER 12

ECONOMIC DEVELOPMENT PROPERTY TAX EXEMPTIONS

- 12.01 Purpose
- 12.02 Definitions
- 12.03 Eligibility
- 12.04 Application

12.01 PURPOSE. The purpose of this chapter is to provide for a property tax exemption for shell buildings constructed by community development organizations and for-profit entities for speculative purposes in accordance with Section 427.1(27), Code of Iowa.

12.02 DEFINITIONS. For use in this chapter the following terms are identified:

1. Community Development Organization means a City organization or multi community group formed for one or more of the following purposes:

- A. To promote, stimulate, develop, and advance the business prosperity and economic welfare of the community, area, or region and its citizens.
- B. To encourage and assist the location of new businesses and industry to the community.
- C. To rehabilitate and assist existing business and industry.
- D. To stimulate and assist in the expansion of business activity.

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

2. New construction means new buildings or structures and includes new buildings or structures which are constructed as additions to existing buildings or structures. New construction also includes reconstruction or renovation of an existing building or structure which constitutes complete replacement of an existing

building or structure or refitting of an existing building or structure, if the reconstruction or renovation of the existing building or structure is required due to economic obsolescence, if the reconstruction or renovation is necessary to implement recognized industry standards for the manufacturing or processing of products, and the reconstruction or renovation is required in order to competitively manufacture or process products or for community development organizations or for-profit entities to market a building or structure as a speculative shell building, which determination must be received prior to approval of the council.

3. Speculative Shell Building means a building or structure owned and constructed or reconstructed by a community development organization or for-profit entity without a tenant or buyer for the purpose of attracting an employer or user which will complete the building to the employer's specification for manufacturing, processing, or warehousing the employer's or user's product line.

12.03 ELIGIBILITY The new construction of shell buildings, or the portion of the value added to buildings being constructed or renovated in order to become speculative shell buildings, by the community development organization or for-profit entity is eligible for property tax exemption commencing the assessment year in which the building is first assessed or in which the reconstruction or renovation first adds value. The exemption shall continue until the property is leased or sold or until terminated by ordinance of the Council. Eligibility for an exemption as a speculative shell building shall be determined as of January 01 of the assessment year. However, an exemption shall not be granted for a speculative shell building of a for-profit entity if the building is used by the for-profit entity, subsidiary of the for-profit entity, or majority owners of the for-profit entity for other than as a speculative shell building.

12.04 APPLICATION. An application shall be filed with the local assessor for each project for which an exemption is claimed in accordance with Section 427B.4, Code of Iowa.

Chapter 13 is reserved for future use.

Chapter 14 reserved for future use.

TITLE I - POLICY AND ADMINISTRATION

CHAPTER 15
MAYOR

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

15.01 POWERS AND DUTIES. The powers and duties of the mayor shall be as follows:

1. Chief Executive Officer. 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. Presiding Officer. Act as presiding officer at all regular and special Council meetings. The Mayor Pro Tem shall serve in this capacity in the Mayor's absence. (Code of Iowa, Sec. 372.14[1&3])

3. Special Meetings. Call special meetings of the Council when the Mayor deems such meetings necessary to the interest 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. If he mayor exercises such veto power, the Mayor must explain the reason for such veto to the Council at the time of the veto. The Council may override the Mayor's veto by a two-thirds majority of the Council members. (Code of Iowa, Sec. 380.5 & 380.6[2])

5. Reports to Council. Make such oral or written reports to the Council at the first meeting of every month 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 conduct himself 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 designed by law or ordinance to be issued by another municipal officer.

10. Nuisances. Order in writing, to be removed at public expense, any nuisance for which no person can be found responsible and liable. The order to remove said nuisances shall be carried out by the Police Chief.

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

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

- | | |
|------------------------------|-------------------------------|
| 1. Mayor Pro Tem | 5. Utility Board of Trustee |
| 2. Police Chief | 6. Zoning Board of Adjustment |
| 3. Library Board of Trustees | 7. Youth affairs Commission |
| 4. Historic Preservation | |

15.04 COMPENSATION. The salary of the Mayor shall be seven hundred fifty dollars (\$750.00) per month with no compensation for council and other meeting attended. In addition the Mayor shall receive **health and** life insurance on the same terms and conditions as City Supervisory Employees. (Code of Iowa, Sec. 372.13[8])

15.05 VOTING. So long as the City is governed by the Mayor-Council form of government composed of a Mayor and a Council consisting of two (2) Council members elected at large, and one (1) Council member from each of four wards, the Mayor may vote to break tie vote on motions not involving ordinances, resolutions or appointments by the Council alone. (Code of Iowa, Sec. 372.4)

TITLE I - POLICY AND ADMINISTRATION

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 shall be 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 the power to employ, or discharge from employment, officers or employees that the Mayor as 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 such 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])

TITLE I - POLICY AND ADMINISTRATION

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 two (2) Council Members elected at large and one (1) Council Member from each of four (4) wards as established by the Code of Ordinances, elected for terms for two (2) years.

17.02 POWERS AND DUTIES. The powers and duties of the Council shall 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.

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 ordinances 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 and compensation of employees not otherwise provided for by State law or the Code of Ordinances. (Code of Iowa, Sec. 372.13[4])

7. Records. The Council shall maintain records of its proceedings. (Code of Iowa, Sec. 372.13[5])

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 shall not become effective during the term in which the increase 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 immediately following a regular City election. A change in the compensation of Council members shall become effective for all Council members at the beginning of the term of the Council members elected at the election next following the adoption of the increase 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. Approved action by Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the Council members. A **resolution** to spend public funds in excess of **one hundred thousand dollars (\$100,000)** on any one project, or a **resolution** to accept public improvements and facilities upon their completion also requires an affirmative vote of not less than a majority of the Council members. Each Council member's vote on an ordinance, amendment or resolution must be recorded. (Code of Iowa, Sec. 380.4)

2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the Council may re-pass the ordinance or resolution by a vote of not less than two-thirds of the Council members, and the ordinance or resolution becomes effective upon re-passage and publication. (Code of Iowa, Sec. 380.6[2])

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

A. If the Mayor signs the measure, a resolution becomes effective immediately upon signing and an ordinance or amendment becomes a law when published, as provided in

Iowa Code Section 380.7(3) unless a subsequent effective date is provided within the measure.(Code of Iowa, Sec. 380.6[1])

B. If the Mayor vetoes a measure and the Council re-passes the measure after the Mayor's veto, a resolution becomes effective immediately upon re-passage, and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure. (Code of Iowa, Sec. 380.6[2])

C. If the Mayor takes no action on the measure a resolution becomes effective fourteen (14) days after the date of passage and an ordinance or amendment becomes a law when published, but not sooner than fourteen(14) days after the day of passage, unless a subsequent effective date is provided within the measure. (Code of Iowa, Sec. 380.6[3])

17.04 MEETING. Meetings of the Council shall be as follows:

1. Regular Meetings. The time and place of the regular meetings of the Council shall be fixed by resolution of the Council.

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the 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 the rules of its own proceeding by resolution and the Clerk shall keep such rules on file for public inspection. (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.

6. Notice of Meetings. The Council shall give reasonable

notice of the time, date and place of each meeting, and its tentative agenda. (Code of Iowa, Sec. 21.4)

7. 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)

8. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and the vote of each member present shall be made public. (Code of Iowa, Sec. 21.3)

9. Closed session. A closed session may be held only by affirmative vote of either two-thirds of the Council 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)

10. Cameras and Recorders. The public may use cameras or recording devices at any open session. (Code of Iowa, Sec. 21.7)

11. 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 provision of Chapter 21 of the Iowa Code. (Code of Iowa, Sec. 21.8)

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

- | | |
|---------------------------|-----------------------------------|
| 1. City Clerk | 5. Planning and Zoning Commission |
| 2. City Attorney | 6. Zoning Administrative Officer |
| 3. Administrative Officer | 7. Cemetery Board of Trustees |
| 4. Sewer Superintendent | |

17.06 COMPENSATION. The salary of each Council member shall be fifty dollars (\$50.00) for each meeting of the Council attended. (Code of Iowa, Sec. 372.13[8])

Chapter 18 reserved for future use.

Chapter 19 reserved for future use.

TITLE I - POLICY AND ADMINISTRATION

CHAPTER 20
CITY CLERK

- 20.01 Appointment
- 20.02 Powers and Duties: General
- 20.03 Recording and Publication of Meeting Minutes
- 20.04 Recording Measures Considered
- 20.05 Publication
- 20.06 Authentication
- 20.07 Certify Measures
- 20.08 Records
- 20.09 Attendance at Meetings
- 20.10 Issue Licenses and Permits
- 20.11 Notify Appointees
- 20.12 Elections
- 20.13 City Seal

20.01 APPOINTMENT. 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.

20.02 POWERS AND DUTIES: GENERAL. The Clerk, or in the Clerk's absence or inability to act, the Deputy Clerk, shall have the power and duties as provided in this chapter, the Code of Ordinances and the law. Additional responsibilities are listed in the job description maintained by the City and by this reference incorporated herein.

20.03 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 proceeding thereof to be published. Such publications shall include a list of all claims allowed, a summary of all receipts and the gross amount of the claims approved.

20.04 RECORDING MEASURES CONSIDERED. The Clerk shall promptly record each measure considered by the Council, with a statement where applicable, indicating whether the Mayor signed, vetoed or took no action on the measure, and whether the measure was re-passed after the Mayor's veto. (Code of Iowa, Sec. 380.7[1])

20.05 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.

20.06 AUTHENTICATION. The Clerk shall authenticate all such measures except motions with the Clerk's signature, certifying the time and manner of publication when required. (Code of Iowa, Sec. 380.7[4])

20.07 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)

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

1. Ordinances and Codes. Maintain copies of all effective City ordinances and codes for public use. (Code of Iowa, Sec. 380.7[4])

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.

3. Maintenance. Maintain all City records for at least five (5) years, except that ordinances, resolutions, Council proceedings and records and documents relating to real property transactions or bond issues must be maintained permanently. Bonds and coupons may be destroyed after two (2) years from the retirement of debt and a record of destruction shall be placed with the original bond record.

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 to by the affix of the seal.

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

20.09 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.

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

20.12 ELECTIONS. The Clerk shall accept the nomination petition of a candidate for a City office for filing if on its face it appears to have the requisite number of signatures and it is timely filed. The Clerk shall deliver all nomination petitions to the County Commissioner of Elections not later than five (5) o'clock p.m. on the day following the last day on which nomination petitions can be filed. (Code of Iowa, Sec.376.4)

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

TITLE I - POLICY AND ADMINISTRATION

CHAPTER 21
CITY TREASURER

- 21.01 Appointment
- 21.02 Compensation
- 21.03 Duties of Treasurer
- 21.04 Boards and Commissions

21.01 APPOINTMENT. The City Clerk shall be the Treasurer and perform all functions required of the position of Treasurer.

21.02 COMPENSATION. The Clerk shall receive no additional compensation for performing the duties of the Treasurer.

21.03 DUTIES OF TREASURER. The duties of the Treasurer shall be as follows:

1. Custody of Funds. Be responsible for the sole custody of all funds of the City in the manner provided by law, and with the direction of the Council.

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, specify 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 monies to be held in the Treasurer's custody and belonging to the City, deposit the same in depositories selected by the Council in amounts not exceeding monetary limits authorized 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. Depository Declaration. Determine the anticipated level of deposits for making the depository declaration to the State Treasurer as required by Chapter 453, Code of Iowa.

10. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

21.04 BOARDS AND COMMISSIONS. The City Treasurer shall be the Treasurer of the Library Board of Trustees, and pay out all money under control of that board on orders signed by the chair and secretary of such board, but shall receive no additional compensation for such service.

TITLE I - POLICY AND ADMINISTRATION

CHAPTER 22
CITY ATTORNEY

- 22.01 Appointment and Compensation
- 22.02 Attorney for City
- 22.03 Power of Attorney
- 22.04 Ordinance Preparation
- 22.05 Review and Comment
- 22.06 Opinion on Contracts
- 22.07 Provide Legal Opinion
- 22.08 Attendance at Council Meeting
- 22.09 Prepare Documents

22.01 APPOINTMENT AND COMPENSATION. The City Attorney shall be appointed by majority vote of the Council and received such compensation as shall be established by resolution.

22.02 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.

22.03 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.

22.04 ORDINANCES 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.

22.05 REVIEW AND COMMENT. The City Attorney shall, upon request, make a written 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.

22.06 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.

22.07 PROVIDE LEGAL OPINION. The City Attorney shall, upon

request, give a legal opinion in writing upon all questions of law relating to City matters submitted by the Council, any board or the head of any City department.

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

22.09 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.

Chapter 23 reserved for future use.

Chapter 24 reserved for future use.

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - ADMINISTRATION

CHAPTER 25
POLICE DEPARTMENT

- 25.01 Department Established
- 25.02 Organization
- 25.03 Peace Officer Qualifications
- 25.04 Required Training
- 25.05 Oath
- 25.06 Compensation
- 25.07 Peace Officer Appointed
- 25.08 Police Chief: Duties
- 25.09 Department Rules
- 25.10 Summoning Aid
- 25.11 Taking Weapons
- 25.12 Uniform Allowance

25.01 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.

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

25.03 PEACE OFFICER QUALIFICATIONS. In no case shall any person be recruited, selected, or appointed as a peace officer unless such person:

1. Resident Citizen. Is a citizen of the United States and a resident of Iowa or intends to become a resident upon being employed.

2. Age. Has reached his eighteenth birthday at the time of his appointment.

3. Driver's License. Has a valid driver's or chauffeur's license issued by the State of Iowa.

4. Alcohol and Drugs. Is not addicted to drugs or alcohol.

5. Character. Is of good moral character as determined by a thorough investigation including a fingerprint search conducted of local, state and national fingerprint files and has not been convicted of a felony or a crime involving moral turpitude.

6. Physical Agility. Has successfully passed the physical agility test developed by the Iowa Law Enforcement Academy.

7. Conscientious Objector. Is not by reason of conscience or belief opposed to the use of force, when necessary to fulfill his duties.

8. Education. Is a high school graduate with a diploma, possesses an equivalency certificate which meets the minimum score required by the State of Iowa as determined by the State Department of Public Instruction.

9. Vision. Has an uncorrected vision of not less than 20/100 in both eyes, corrected to 20/20 and normal color vision. Normal color vision, as determined by the American Optical company, pseudo-Isochromatic Plates test, requires correct identification of fourteen out of the eighteen plates.

10. Hearing. Has normal hearing in each ear. Hearing is considered normal when, tested by an audiometer, hearing sensitivity thresholds are within 25db measured at 1000Hz, 2000Hz, and 3000Hz averaged together.

11. Physical Exam. Is examined by a licensed physician or surgeon and meets the physical requirements necessary to fulfill the responsibilities of a law enforcement officer.

12. Written Exam. Has performed satisfactorily in pre-employment cognitive or personality test or both.

25.04 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.

25.05 OATH. Every peace officer, before entering upon the duties of the office, shall qualify for office by taking the oath prescribed by Section 5.01 of the Code of Ordinances.

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

25.07 PEACE OFFICERS APPOINTED. The mayor shall appoint and dismiss the chief of police. However the appointment and dismissal of the chief of police are subject to the consent of a majority of the council. The Police Chief shall appoint other officers subject to the approval of the Council. The mayor is not a member of the

council and shall not vote as a member of the council.

25.08 POLICE CHIEF: DUTIES. The Police Chief shall have the following powers and duties subject to the approval of the Council.

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. Bring all persons committing any offense before the proper court.

3. Writs. Execute and return all writs and other processes directed to him.

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

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 Officer, board and commission 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 laws 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 material of the department.

25.09 DEPARTMENT 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 including rules governing the following:

1. Rules of Conduct. The conduct and activity of members of

the department during regular and off-duty hours.

2. Uniform. The wear and care of uniforms.

3. Weapons. The care, use and practice of side arms and other police weapons.

4. Communication. The procedures, use and care of the police radio and other communication systems.

5. Training. The nature, time and attendance requirements for in-service training of members of the department.

6. Emergencies. Temporary rules for the protection and function of the department as may be necessary in the event of an emergency until such rules may be considered by the Council.

7. Other. Such other rules as may be deemed necessary and advisable in assuring efficient and proper performance of the duties of the department.

8. Penalties. The penalties which may be imposed for violation of established departmental rules by members.

9. Notice. The Police Chief shall give written notice to any member charged with a violation of department rules specifying the rule violated, the nature of the violation and the penalty to be imposed.

10. Appeal. A member of the department charged with a violation of rules may request a hearing before the Council by filing notice of appeal with the Clerk within ten (10) days of receipt of notice of violation. The Council, at its next meeting, shall review the facts and affirm, modify or revoke the action of the Police Chief.

25.10 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.

25.11 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.

25.12 UNIFORM ALLOWANCE. All police officers shall be provided a uniform allowance as determined by resolution of the Council which shall be granted in the form of the purchase of clothing

meeting the standard of color, style and quality specified by the City. Any officer who leaves the department's service shall turn over all items identifiable as official uniforms, including insignia, before receiving final compensation.

Chapter 26 reserved for future use.

Chapter 27 reserved for future use.

Chapter 28 reserved for future use.

Chapter 29 reserved for future use.

TITLE II - COMMUNITY PROTECTION
DIVISION 1 - ADMINISTRATION

CHAPTER 30
FIRE DEPARTMENT

- 30.01 Establishment and Purpose
- 30.02 Organization
- 30.03 Approved by Council
- 30.04 Training
- 30.05 Compensation
- 30.06 Election of Officers
- 30.07 Oath
- 30.08 Fire Chief: Duties
- 30.09 Constitution
- 30.10 Accidental Injury Insurance
- 30.11 Liability Insurance
- 30.12 Calls Outside City
- 30.13 Mutual Aid
- 30.14 Authority to Cite Violation
- 30.15 Emergency Ambulance Service

30.01 ESTABLISHMENT AND PURPOSE. A volunteer fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency. (Code of Iowa, Sec. 364.16)

30.02 ORGANIZATION. The department shall consist of the Fire Chief and such other officers and personnel as may be authorized by the Council.

30.03 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.

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

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

30.06 ELECTION OF OFFICERS. The department shall elect a chief

and such other officers as their constitution and by-laws may provide, but the election of chief shall be subject to the approval of the Council. In case of absence of the chief the officer next in rank shall be in charge and have and exercise all the powers of chief.

30.07 OATH. The Fire Chief, before entering upon the duties of his office, shall qualify for office by taking the oath prescribed by Section 5.01 of the Code of Ordinances.

30.08 FIRE CHIEF: DUTIES. The Fire Chief shall have the following powers and duties:

1. General. Perform all duties required of the Fire Chief by law or ordinance.

2. Enforce Laws. Enforce all ordinances and, where enabled, State laws regulating the following:

A. Fire prevention.

B. Maintenance and use of fire escapes.

C. The investigation of the cause, origin and circumstances of fires.

D. The means and adequacy of exit in case of fire from halls, theaters, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose.

E. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.

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

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

5. Notification. Whenever death, serious bodily injury, or property damage in excess of two hundred thousand dollars (\$200,000) has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal's Division immediately. For all fires causing an estimated damage of fifty dollars (\$50.00) or more emergency responses by the Fire Department, file a report with the Fire Marshal's Division within ten days following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the

property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents. (Code of Iowa, Sec. 100.2 & 100.3)

6. Right of Entry. Have the right, during reasonable hours and upon consent of the occupant, to enter any building or premises within 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)

7. Recommendation. Make such recommendations to owners, occupants, care givers, or managers of buildings necessary to eliminate fire hazards. (Code of Iowa, Sec. 100.13)

8. Assist State Fire Marshal. At the request of the State Fire Marshal, and as provided by law, aid said marshal in the performance of duties by investigating, preventing and reporting data pertaining to fires. (Code of Iowa, Sec. 100.2)

9. Records. 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 an analysis of losses by value, type and location of buildings.

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

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

30.10 ACCIDENTAL INJURY INSURANCE. The Council shall contract to insure the City against liability for workers' compensation and against statutory liability for the cost of hospitalization, nursing, and medical attention for volunteer fire fighters injured in the performance of their duties as fire fighters whether within or outside the corporate limits of the City. All volunteer fire fighters shall be covered by the contract. (Code of Iowa, Sec, 85.2, 85.61 and Sec 410.18)

30.11 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 department duties within or outside the corporate limits of the City. (Code of Iowa, Sec. 613A.2 & 517A.1)

30.12 CALLS OUTSIDE THE CITY. The department shall answer calls to fires and other emergencies outside the City limits if the fire chief determines that such emergency exists and that such action will not endanger persons and property within the City limits. (Code of Iowa, Sec. 364.4 [2 &3])

30.13 MUTUAL AID. Subject to approval by resolution of the Council, the department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the Clerk. (Code of Iowa, Sec. 364.4 [2 & 3])

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

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

Chapters 31-44 reserved for future use.

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: PUBLIC OFFENSES

CHAPTER 45
PUBLIC PEACE

- 45.01 Assault
- 45.02 Willful Injury
- 45.03 Harassment
- 45.04 Willful Disturbance
- 45.05 Disorderly Conduct
- 45.06 Riot
- 45.07 Unlawful Assembly
- 45.08 Failure to Disperse
- 45.09 Loitering Prohibited

45.01 ASSAULT. No person shall, without justification do 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])

3. Dangerous Weapon. Intentionally point any firearm toward another, or display in a threatening manner any dangerous weapon toward another. (Code of Iowa, Sec. 708.1 [3])

4. Exceptions. Provided, that 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 shall not be an assault. (Code of Iowa, Sec. 708.1)

45.02 WILLFUL INJURY. No person shall do any act which is not justified and which is intended to cause and does cause serious injury to another. (Code of Iowa, Sec. 708.4)

45.03 HARASSMENT. No person shall with intent to intimidate, annoy or alarm another person, do any of the following:

1. Communications. Communicate with another by telephone, telegraph, or writing or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm. (Code of Iowa, Sec. 708.7 [1])

2. Simulated Explosive. Place 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 [2])

3. Merchandise or Services. Order 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 [3])

4. False Reports. Report or cause to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or report the alleged occurrence of a criminal act, knowing the same did not occur. (Code of Iowa, Sec. 708.7 [4])

5. Personal Contact. 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. (Code of Iowa, Sec. 708.7 [b])

45.04 WILLFUL DISTURBANCE. No person shall willfully disturb any deliberative body or agency of the State, or subdivision thereof, with the purpose of disrupting the functioning of such body or agency by tumultuous behavior, or coercing by force or the threat of force any official conduct or proceeding. (Code of Iowa, Sec. 718.3)

45.05 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 caused unreasonable distress

to the occupants thereof. (Code of Iowa, 723.4 [2])

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

4. Disrupt Lawful Assembly. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly. (Code of Iowa, Sec. 723.4 [4])

5. False Report of Catastrophe. By words or action, initiate or circulate a report or warning of fire, epidemic or other catastrophe, knowing such report to be false or such warning to be baseless. (Code of Iowa, Sec. 723.4 [5])

6. Disrespect of Flag. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit a public offense. (Code of Iowa, Sec. 723.4 [6])

7. Obstruct Use of Street. Without authority or justification, obstruct any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others. (Code of Iowa, Sec. 723.4 [7])

45.06 RIOT. It shall be unlawful for three (3) or more people to assemble together in a violent manner, to the disturbance of others, and with any use of unlawful force or violence by them of any of them against another person, or causing property damage. No person shall willingly join in or remain part of a riot, knowing or having reasonable grounds to believe that it is such. (Code of Iowa, Sec. 723.1)

45.07 UNLAWFUL ASSEMBLY. It shall be unlawful for three (3) or more persons to assemble together, with them or any of them acting in a violent manner, and with the 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)

45.08 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)

45.09 LOITERING PROHIBITED. No person shall do any of the following:

1. No person shall congregate, stand, loaf or loiter upon any street, sidewalk, bridge, or crossing so as to obstruct the same, hinder, or prevent persons passing or attempting or desiring to pass thereon.

2. No person shall congregate, stand, loaf or loiter in or in front of any hall, lobby, doorway, passage, or entrance of any public building, theater, hotel, eating house, lodging house, office building, store, shop, office, or factory or other like building so as to obstruct the same, hinder or prevent persons walking along or into or out of the same or attempting or desiring to do so.

3. No person shall collect, assemble, or group together and after being so collected, assembled or grouped together, stand or loiter on any sidewalk, parking area, street corner, parking lot, or at any other place in the city to the hindrance or obstruction to free passage of any person or persons passing on or along any sidewalk or street in said city.

4. No person shall congregate, stand, loaf, or loiter in or in front of or around any school, or other public building occupied in whole or in part by any governmental subdivision, including any agency, body, department, office, board or commission so as to obstruct, hinder, prevent or disrupt the normal functions carried on therein, or so as to obstruct, hinder or prevent persons passing by or into or out of the same or attempting or desiring to do so.

5. Any person who shall refuse to leave after being ordered to do so by a peace officer shall be guilty of a violation of this section.

6. Nothing in this section shall prohibit the exercise of legitimate First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right to lawful assembly.

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: PUBLIC OFFENSES

CHAPTER 46
PUBLIC MORALS

- 46.01 Prostitution
- 46.02 Pimping
- 46.03 Pandering
- 46.04 Leasing Premises for Prostitution
- 46.05 Indecent Exposure
- 46.06 Voiding in Public

46.01 PROSTITUTION. No person shall sell or offer for sale his or her services as a partner in a sex act, or purchase or offer to purchase a service. (Code of Iowa, Sec. 725.1)

46.02 PIMPING. No person shall solicit a patron for a prostitute, or knowingly take or share in the earnings of a prostitute, or knowingly furnish a room or other place to be used for the purpose of prostitution, whether for compensation or not. (Code of Iowa, Sec. 725.2)

46.03 PANDERING. No person shall persuade or arrange for another to become an inmate of a brothel, or to become a prostitute, such person not having previously engaged in prostitution, or to return to the practice of prostitution after having abandoned it, or keep or maintain a brothel or knowingly take a share in the income from a brothel. (Code of Iowa, Sec. 725.3)

46.04 LEASING PREMISES FOR PROSTITUTION. No person shall rent or let any building, structure or part thereof, boat, trailer, or other place offering shelter or seclusion, when such person knows, or has reason to know, that the lessees or tenant is using such for the purpose of prostitution, and who does not, immediately upon acquiring such knowledge, terminate the tenancy or effectively put an end to such practice of prostitution in such place. (Code of Iowa, Sec. 725.4)

46.05 INDECENT EXPOSURE. No person shall expose his or her genitals or pubes to another not his or her spouse, or commit a sex act in the presence of or view of a third person, if:

1. Sexual Desire. The person does so to arouse or satisfy the sexual desires of either party; and
2. Offensive. The person knows or reasonably should know

that his act is offensive to the viewer. (Code of Iowa, Sec. 709.9)

46.06 VOIDING IN PUBLIC. It shall be unlawful for any person to discharge excrement in a public place except those places so designated.

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: PUBLIC OFFENSES

CHAPTER 47
MINORS

- 47.01 Purpose
- 47.02 Definitions
- 47.03 Offenses
- 47.04 Defenses
- 47.05 Enforcement
- 47.06 Penalties
- 47.07 Cigarettes and Tobacco
- 47.08 Contributing to Delinquency

47.01 PURPOSE. The City Council of the City of Albia, Iowa, hereby determines that a curfew for minors is necessary to promote the public safety, health, morals and general welfare of the city and specifically to achieve the following purposes:

1. Reinforce the primary authority and responsibility of adults who are responsible for minors.

2. Protect the public from the illegal acts of minors committed individually and in groups after the curfew hour.

3. Protect minors from improper influences and criminal activity by individuals and groups that prevail in public places after the curfew hours.

47.02 DEFINITIONS. In this section:

1. CURFEW HOURS mean:

A. Sunday - Thursday

11:00 p.m. - 5:00 a.m. each day

B. Friday - Saturday

12:00 a.m. (Midnight) - 5:00 a.m. each day.

2. EMERGENCY means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

3. GUARDIAN means:

A. A person who, under court order, is the guardian of the person of a minor; or

B. A public or private agency with whom a minor has been placed by a court.

4. MINOR means any person under 18 years of age and is used interchangeably with "JUVENILE" in this ordinance.

5. PARENT means a person who is:

A. A natural parent, adoptive parent, or step parent of another person; or

B. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

6. PUBLIC PLACE means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

7. REMAIN means to:

A. Linger or stay; or

B. Fail to leave the premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

8. SERIOUS BODILY INJURY means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

47.03 OFFENSES. A minor commits an offense if he or she remains in any public place or on the premises of any establishment within the city during curfew hours.

47.04 DEFENSES. It is a defense to the prosecution under Section 47.03 that the minor was:

1. Accompanied by the minor's parent or guardian;

2. On an errand at the direction of the minor's parent or guardian, without any detour or stop;

3. In a motor vehicle accompanied by a parent or guardian in interstate travel;

4. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

5. Involved in an emergency;

6. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

7. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Albia, a civic organization, or another similar entity that takes responsibility for the minor, or going or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Albia, a civic organization, or another similar entity that takes responsibility for the minor;

8. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly; or

9. Married or had been married or had disabilities of minority removed in accordance with the Code of Iowa.

47.05 ENFORCEMENT.

1. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. In the absence of convincing evidence such as a birth certificate or driver's license, a police officer shall use his or her best judgment in determining age. The officer shall not issue a citation or take a minor into custody under this section unless the officer reasonably believes that an offense has occurred and that, based upon the minor's response and other circumstances, no defense in Section 47.04 is present.

2. A peace officer may take a minor into custody for violation of this ordinance pursuant to Section 232.19 of the Code of Iowa (1997) for the limited purpose of detaining the minor until he or she can be reunited with the minor's family or guardian or other responsible adult or if the peace officer has probable cause to believe the minor has committed a delinquent act which if committed by an adult would constitute a public offense. A peace officer who

takes a minor into custody shall not place bodily restraints such as handcuffs on the minor, unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

3. After a minor is taken into custody the peace officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the minor in court at such time and place as the court may direct.

4. If a peace officer determines that a minor does not have adult supervision because the peace officer cannot locate the minor's parent, guardian, or other person legally responsible for the care of the minor within a reasonable period of time, the peace officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the minor, or another adult person who is known to the minor.

47.06 PENALTIES.

1. Minor's First Violation - Warning. In the case of a minor's first violation, the police shall give the minor a written warning which states that any subsequent violation will result in full enforcement of the curfew ordinance against the minor, with applicable penalties. In addition, the Chief of Police or his designee shall, by certified mail, send to the adult responsible for the minor a written notice of the violation. Said notice shall advise the responsible adult of the minor's violation and of the penalties for future violations.

2. Minor's Second Violation - Municipal Infraction. For the minor's second and subsequent violation of any of the provisions of this chapter the minor shall be guilty of a municipal infraction as set forth in the Albia City Code and upon conviction shall be punished by a fine. Community service work may be substituted for a fine in the discretion of the Magistrate.

47.07 CIGARETTES AND TOBACCO.

1. A person shall not sell, give, or otherwise supply any tobacco, tobacco products, or cigarettes to any person under eighteen years of age.

2. A person under eighteen years of age shall not smoke, use, possess, purchase, or attempt to purchase any tobacco,

tobacco products, or cigarettes.

2A. Possession of cigarettes or tobacco products by an individual under eighteen years of age does not constitute a violation under this section if the individual under eighteen years of age possesses the cigarettes or tobacco products as part of the individual's employment and the individual is employed by a person who holds a valid permit under this chapter or who lawfully offers for sale or sells cigarettes or tobacco products. A person shall not be guilty of a violation of this section if conduct that would otherwise constitute a violation is performed to assess compliance with cigarette and tobacco products laws if any of the following applies:

a. The compliance effort is conducted by or under the supervision of law enforcement officers.

b. The compliance effort is conducted with the advance knowledge of law enforcement officers and reasonable measures are adopted by those conducting the effort to ensure that use of cigarettes or tobacco products by individuals under eighteen years of age does not result from participation by any individual under eighteen years of age in the.

For the purposes of this section, "law enforcement officer" means a peace officer as defined in section 801.4 of the Iowa Code and includes persons designated to enforce this section.

4. A person, other than a retailer, who violates section 1, is guilty of a simple misdemeanor. An employee of a retailer who violates section 1, commits a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 11.

5. A person who violates section 2 is subject to the following, as applicable:

a. A civil penalty pursuant to section 805.8, subsection 11. Notwithstanding section 602.8106 of the Iowa Code or any other provision to the contrary, any civil penalty paid under this subsection shall be retained by the city.

b. For a first offense, performance of eight hours of community work requirements, unless waived by the court.

c. For a second offense, performance of twelve hours of

community work requirements.

d. For a third or subsequent offense, performance of sixteen hours of community work requirements.

6. Magistrates shall hear and determine violations of and penalties for violations of section 2. Magistrates shall forward copies of citations issued for violations of section 2, and of their dispositions to the clerk of the district court. The clerk of the district court shall maintain records of citations issued and the dispositions of citations, and shall forward a copy of the records to the Iowa department of public health.

a. For violations of section 1 by an employee or retailer, the scheduled fine is as follows:

1. If the violation is a first offense, the scheduled fine is one hundred dollars.
2. If the violation is a second offense, the scheduled fine is two hundred fifty dollars.
3. If the violation is a third or subsequent offense, the scheduled fine is five hundred dollars.

b. For violations of section 2 the scheduled fine is as follows and is a civil penalty, and the criminal penalty surcharge under section 911.2 of the Iowa Code shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, of the Iowa Code shall not be imposed:

1. If the violation is a first offense, the scheduled fine is fifty dollars.
2. If the violation is a second offense, the scheduled fine is one hundred dollars.
3. If the violation is a third or subsequent offense, the scheduled fine is two hundred fifty dollars.

c. For failing to pay the civil penalty under section 2, the scheduled criminal fine is twenty-five dollars if the violation is a first offense, fifty dollars if the violation is a second offense and one hundred dollars if the violation is a third or subsequent

offense. Failure to pay the scheduled criminal fine shall not result in the person being detained in a secure facility. The complainant shall not be charged a filing fee

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

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: PUBLIC OFFENSES

CHAPTER 48
PUBLIC HEALTH AND SAFETY

- 48.01 Spitting
- 48.02 Sale of Tainted Food
- 48.03 Distributing Dangerous
- 48.04 Fireworks
- 48.05 False Reports to Law Enforcement Authorities
- 48.06 False Reports of Destructive Substances
- 48.07 Impersonating a Public Official
- 48.08 Interference with Official Acts
- 48.09 Refusing to Assist Officer
- 48.10 Harassment of Public Officers and Employees
- 48.11 Abandoned or Unattended Refrigerators
- 48.12 Reckless Use of Fire or Explosives
- 48.13 Bomb Threats
- 48.14 Antenna and Radio Wires
- 48.15 Barbed Wire
- 48.16 Discharging Weapons
- 48.17 Throwing and Shooting
- 48.18 Carrying Weapons
- 48.19 Storage and Use of Explosives

48.01 SPITTING. It shall be unlawful for a person to spit within any food establishment, restaurant, hotel, motor inn, cocktail lounge or tavern.

48.02 SALE OR TAINTED FOOD. It shall be unlawful for a person to sell or offer for sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods, or other articles of food, or to sell or offer for sale the flesh of any animal that was diseased.

48.03 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)

48.04 FIREWORKS. The sale, use or exploding of fireworks within the City shall be subject to the following:

1. Definition. The term fireworks shall mean and include

any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, firecrackers, torpedoes, skyrocketes, roman candles, or other fireworks of like construction and any fireworks containing any explosive or inflammable compound, or other device containing any explosive substance. (Code of Iowa, Sec. 727.2)

2. Regulations. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

- A. Personal Injury: - \$250,000.00 per person
 - B. Property Damage: - \$50,000.00.
 - C. Total Exposure: - \$1,000,000.
- (Code of Iowa, Sec. 727.2)

3. Exceptions. This shall not be construed to prohibit any resident, dealer, manufacturer or jobber from selling such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped out of State; or the sale or use of blank cartridges for a show or theater, or for a signal purpose, or a recognized military organization; and provided further that nothing in this section shall apply to any substance or composition prepared and sold for medicinal or fumigation purposes. (Code of Iowa, Sec. 727.2)

48.05 FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES. No person shall report or cause to be reported false information to a fire department or a law enforcement authority, knowing that the information is false, or shall report the alleged occurrence of a criminal act knowing the same did not occur. (Code of Iowa, Sec. 718.6)

48.06 FALSE REPORTS OF DESTRUCTIVE SUBSTANCE. No person shall, knowing the information to be false, convey or cause to be conveyed to any person any false information concerning the placement of any incendiary or explosive device or material or other destructive substance or device in any place where persons or property would be endangered. (Code of Iowa, Sec. 712.7)

48.07 IMPERSONATING A PUBLIC OFFICIAL. No person shall falsely **claim** or assume to act as an elected or appointed officer, magistrate, peace officer, or person authorized to act on behalf of the State or any subdivision thereof, having no authority to do so. (Code of Iowa, Sec. 718.2)

48.08 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, **emergency medical care provider** or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer or fire fighter, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. (Code of Iowa, Sec. 719.1)

48.09 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)

48.10 HARASSMENT OF PUBLIC OFFICERS ANY EMPLOYEES. No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employees' duty. (Code of Iowa, Sec. 718.4)

48.11 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)

48.12 RECKLESS USE OF FIRE OR EXPLOSIVES. No person shall so use fire or any incendiary or explosive device or material as to endanger recklessly the property or safety of another. (Code of Iowa, Sec. 712.5)

48.13. BOMB THREATS. No person shall threaten to place or attempt to place any incendiary or explosive device or material, or any destructive substance or device in any place where it will endanger persons or property. (Code of Iowa, 712.8)

48.14 ANTENNA AND RADIO WIRES. It shall be unlawful for a person to allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk, or public property. (Code of Iowa, Sec. 364.12 [2])

48.15 BARBED WIRE. It shall be unlawful for a person to use barbed wire to enclose land within the City limits without the consent of the Council unless such land consists of ten (10) acres or more and is used as agricultural land.

48.16 DISCHARGING WEAPONS. It shall be unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns or firearms of any kind within the City limits except by authorization of the Council.

48.17 THROWING AND SHOOTING. It shall be unlawful for a person to throw stones 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, highway, alley, sidewalk or public place, except when under proper supervision of persons authorized by the Council. (Code of Iowa, Sec. 364.12 [2])

48.18 CARRYING WEAPONS. No person shall go armed with a dangerous weapon concealed on or about his person, or shall, within the limits of the City, go armed with a pistol or revolver, or any loaded firearm of any kind, whether concealed or not, or shall knowingly carry or transport in a vehicle a pistol or revolver, provided that this section shall not apply to any of the following: (Code of Iowa, Sec. 724.4)

1. Own Premises. A person who goes armed with a dangerous weapon in his or her own dwelling or place of business, or on land owned or possessed by the person. (Code of Iowa, Sec. 724.4)

2. Peace Officer. Any peace officer, when his or her duties require the person to carry such weapons. (Code of Iowa, Sec. 724.4)

3. Armed Forces. Any member of the armed forces of the United States or of the national guard or person in the service of the United States, when the weapons are carried in connection with his or her duties as such. (Code of Iowa, Sec. 724.4)

4. Within Container. Any person who for any lawful purpose carries an unloaded pistol, revolver, or other dangerous weapon inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person. (Code of Iowa, Sec. 724.4)

5. Within Vehicle. Any person who for any lawful purpose carries or transports an unloaded pistol or revolver in any vehicle inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person or inside cargo or luggage compartment where the pistol or revolver will not be readily accessible to any person riding in the vehicle or common carrier. (Code of Iowa, Sec. 724.4)

6. Target Practice. Any person while he or she is lawfully engaged in target practice on a range designed for that purpose or while engaged in lawful hunting for game in any place designated by local law as a hunting area. (Code of Iowa, Sec. 724.4)

7. Valid Permit. Any person who has in his or her possession and who displays to any peace officer on demand a valid permit to carry weapons which has been issued to the person, and whose conduct is within the limits of that permit. No person shall be convicted of a violation of this section if the person produces at his or her trial a permit to carry weapons which was valid at the time of the alleged offense and which would have brought the person's conduct within this exception if the permit had been produced at the time of the alleged offense. (Code of Iowa, Sec. 724.4)

8. Correctional Officer. Any correctional officer, when such officer's duties require, serving under the authority of the Iowa Department of Corrections. (Code of Iowa, Sec. 724.4)

48.19 STORAGE AND USE OF EXPLOSIVES. No person shall purchase, possess, transport, store, or detonate explosive material without first obtaining a use permit from the County Sheriff except when the explosives are possessed for the sole purpose of transporting them through the City. (Code of Iowa, Sec. 101A.3)

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: PUBLIC OFFENSES

CHAPTER 49
PUBLIC PROPERTY

- 49.01 Defacing Public Grounds
- 49.02 Injuring New Pavement
- 49.03 Destroying Park Equipment
- 49.04 Defacing Proclamations or Notices
- 49.05 Injury or Fire Apparatus
- 49.06 Damage to Public or Utility Property
- 49.07 Public Buildings
- 49.08 Obstructive Drainage
- 49.09 Injury to Cemetery Property
- 49.10 Criminal Mischief
- 49.11 Unauthorized Entry
- 49.12 Possession of Traffic Control Device

49.01 DEFACING PUBLIC GROUNDS. It shall be unlawful for a person to cut, break, or deface any tree or shrub on public property or on any public way by willfully defacing, cutting, breaking or injuring. (Code of Iowa, Sec. 364.1, 364.12[2])

49.02 INJURING NEW PAVEMENT. It shall be unlawful for a person to injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use. (Code of Iowa, Sec. 364.12)

49.03 DESTROYING PARK EQUIPMENT. It shall be unlawful for a person to destroy or injure any property or equipment in public swimming pools, playgrounds, or parks by willfully defacing, breaking, damaging, mutilating, or cutting. (Code of Iowa, Sec. 364.12 [2])

49.04 DEFACING PROCLAMATIONS OR NOTICES. It shall be 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, City by authority of the law or by order of any court, during the time which the same is to remain set up. (Code of Iowa, Sec. 716.1)

49.05 INJURY TO FIRE APPARATUS. It shall be unlawful for a person willfully to destroy or injure any engine, hose, hook and ladder truck, or other thing used and kept for extinguishment of fires. (Code of Iowa, Sec. 716.1)

49.06 DAMAGE TO PUBLIC OR UTILITY PROPERTY. It shall be

unlawful for a person maliciously to injure, remove, or destroy any electric railway or apparatus belonging thereto; or any bridge, rail or plank road; or place, or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or maliciously cut, burn or in any way break down, injure, or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy and deface any electric light, telegraph or telephone instrument; or in any thereto; or to willfully tap, cut, injure, break, disconnect, connect, make connection with, or destroy any of the wires, mains, pipes, conduits, mentors, or other apparatus belonging to, or attached to, the power plant or distribution system of any electric light plant, electric motor, gas plant, or water plant; or to aid or abet any other person in so doing. (Code of Iowa, Sec. 716.1)

49.07 PUBLIC BUILDINGS. It shall be unlawful willfully to write, make marks, or draw on the walls or any other part of any church, college, academy, schoolhouse, court house, or other public buildings, or on any furniture, apparatus, or fixture, therein; or willfully to injure or deface the same, or any wall or fence enclosing the same. (Code of Iowa, Sec. 716.1)

49.08 OBSTRUCTING DRAINAGE. It shall be unlawful to divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or to break down any levee lawfully established, constructed or maintained. (Code of Iowa, Sec. 716.1)

49.09 INJURY TO CEMETERY PROPERTY. It shall be unlawful for a person willfully and maliciously to destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone, or other structure placed in any public or private cemetery or within such cemetery, or to willfully and maliciously throw or leave any rubbish, refuse, garbage, waste, litter, or foreign substance within the limits of said cemetery, or to drive at an unusually and forbidden speed over avenues or roads in said cemetery, or to drive outside of said avenues and roads, and over the grass or graves of said cemetery. (Code of Iowa, Sec. 716.1)

49.10 CRIMINAL MISCHIEF. Any damage, defacing, alteration, or destruction of tangible property is criminal mischief when done intentionally by one who has no right to so act, and shall be unlawful. (Code of Iowa, Sec. 716.1)

49.11 UNAUTHORIZED ENTRY. No person shall enter any public building or public enclosure unless authorized to do so. Any entry into public buildings and enclosure are closed and secured against

entry and not open to the public. When open to the public, a failure to pay a required admission fee, if any, shall also constitute an unauthorized entry. (Code of Iowa, Sec. 364.1)

49.12 POSSESSION OF TRAFFIC CONTROL DEVICE. It shall be unlawful for any person to have in that person's possession any official traffic control device except by reason of that person's employment. (Code of Iowa, Sec. 321.260)

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: PUBLIC OFFENSES

CHAPTER 50
PRIVATE PROPERTY

- 50.01 Trespassing Prohibited
- 50.02 Electronic and Mechanical Eavesdropping
- 50.03 Damage to Property
- 50.04 Theft
- 50.05 Theft of Utility Services

50.01 TRESPASSING PROHIBITED. It shall be unlawful for a person to commit one or more of the following acts:

1. Enter Property Without Permission. Enter upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon, or therein anything animate or inanimate. (Code of Iowa, Sec. 716.7 [2a])

2. Vacate Property When Requested. Enter or remain upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property. (Code of Iowa, Sec. 716.7 [2b])

3. Interference with Lawful Use of Property. Enter upon or in private property for the purpose or with the effect of unduly interfering with the lawful use of the property by others. (Code of Iowa, Sec. 716.7[2c])

4. Use of Property Without Permission. Be upon or in property and wrongfully use, remove therefrom, alter, damage, harass, or place thereon or therein any thing 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])

5. Retrieving Property. 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 as quickly as is possible, and does not unduly interfere

with the lawful use of the property. (Code of Iowa, Sec. 716.7 [3])

50.02 ELECTRONIC AND MECHANICAL EAVESDROPPING. No person having no right or authority to do so, shall tap into or connect a listening or recording device to any telephone or other communication wire, or shall by any electronic or mechanical means listen to, record, or otherwise intercept a conversation or communication of any kind; provided, that the sender or recipient of a message or one who is openly present and participating in or listening to a communication shall not be prohibited hereby from recording such message or communication; and further provided, that nothing herein shall restrict the use of any radio or television receiver to receive any communication transmitted by radio or wireless signal. (Code of Iowa, Sec. 727.8)

50.03 DAMAGE TO PROPERTY. It shall be unlawful to cut, hack, break, deface or otherwise injure any ornamental or shade tree, fence, private building, railing or other property. (Code of Iowa, Sec. 716.1)

50.04 THEFT. No person shall take possession or control of the property of another, or property in the possession of another, with the intent to deprive the other thereof. (Code of Iowa, Sec. 714.1 [1])

50.05 THEFT OF UTILITY SERVICES. No person shall obtain gas, electricity or water from a public utility or obtain cable television service from an unauthorized connection to the supply or service line or by intentionally altering, adjusting, removing or tampering with the metering or service device so as to cause inaccurate readings. (Code of Iowa, Sec. 714.1 [7])

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: PUBLIC OFFENSES

CHAPTER 51
DRUG PARAPHERNALIA

- 51.01 Purpose
- 51.02 Controlled Substance Defined
- 51.03 Drug Paraphernalia Defined
- 51.04 Determining Factors
- 51.05 Possession of Drug Paraphernalia
- 51.06 Manufacture, Delivery or Offering for Sale
- 51.07 Penalties
- 51.08 Nuisance

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

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

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

1. Growing Kits. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

2. Processing Kits. Kits used, intended for use, or designed or use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

3. Isomerization Devices. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.

4. Testing Equipment. Testing Equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

5. Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.

6. Dilutents. Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting controlled substances.

7. Separators - Sifters. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.

8. Mixing Devices. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.

9. Containers. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.

10. Storage Containers. Containers and other objects used, intended for use, or designed or use in storing or concealing controlled substances.

11. Injecting Devices. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.

12. Ingesting - Inhaling Device. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:

A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic, pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

B. Water pipes;

C. Carburation tubes and devices;

D. Smoking and Carburation masks;

E. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;

F. Miniature cocaine spoons and cocaine vials;

- G. Chamber pipes;
- H. Carburetor pipes;
- I. Electric pipes;
- J. Air driven pipes;
- K. Chillums;
- L. Bongs;
- M. Ice pipes or chillers.

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

1. Statements. Statements by an owner or by anyone in control of the object concerning its use.

2. Prior Convictions. Prior conviction, if any, of an owner, or of anyone in control of the object under any State or federal law relating to any controlled substance.

3. Proximity To Violation. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the Iowa Code.

4. Proximity To Substances. The proximity of the object to controlled substances.

5. Residue. The existence of any residue of controlled substances on the object.

6. Evidence of Intent. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substance Act, Chapter 124 of the Iowa Code.

7. Innocence of an Owner. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the Iowa Code, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.

8. Instructions. Instructions, oral or written, provided with the object concerning its use.

9. Descriptive Materials. Descriptive materials accompanying the object which explain or depict its use.

10. Advertising. National and local advertising concerning its use.

11. Displayed. The manner in which the object is displayed for sale.

12. Licensed Distributor or Dealer. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.

13. Sales Ratios. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.

14. Legitimate Uses. The existence and scope of legitimate uses for the object in the community.

15. Expert Testimony. Expert testimony concerning its use.

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

51.06 MANUFACTURING, DELIVERY OR OFFERING FOR SALE OF DRUG PARAPHERNALIA. It is unlawful for any person to deliver, possess with intent to deliver, manufacture, with intent to deliver, or offer for sale drug paraphernalia, intended that the drug paraphernalia will be used, or knowing, or under circumstances where one reasonably should know that it will be used, or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substance Act, Chapter 124 of the Iowa Code.

51.07 PENALTIES. Any person, firm, or corporation violating any provision, section, or paragraph of this chapter shall be guilty of a simple misdemeanor. Each day a violation occurs shall constitute a separate offense.

51.08 NUISANCE. In addition to the above, or in lieu thereof, violation of Section 51.07 of this chapter shall constitute a

nuisance which may be abated in the manner provided in Iowa Code 364.12(3)(h), or in the alternative may be abated by induction in the Iowa District Court.

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: NUISANCES

CHAPTER 52
MOWING OF LOTS

- 52.01 Definitions
- 52.02 Cutting Specifications and Standards of Practice
- 52.03 Uniform Height Specifications
- 52.04 Notice to Owners
- 52.05 Conduct of Hearing
- 52.06 Right to Abate and Penalty
- 52.07 Assessment of Costs

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

1. *Curb, curb line or curbing* means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.

2. *Cut or mow* means to mechanically maintain the growth of grass, weeds, or brush at a uniform height.

3. *Owner* means a person owning private property in the City and any person occupying private property in the City.

4. *Parking* means that part of a street in the City not covered by a sidewalk and lying between the lot line or property line and the curb line; or on unpaved streets, that part of the street lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.

5. *Developed Residential Areas*. All conterminous areas within the corporate limits of the City of Albia under common ownership with a total area less than two acres (87,120.00 sq. ft.) zoned R-1, R-2 or R-3.

6. *Underdeveloped Residential Areas*. All conterminous areas within the corporate limits of the City of Albia under common ownership with a total area equal to or greater than two acres (87,120.00 sq. ft.) zoned R-1, R-2 or R-3.

7. *Business and Industrial Areas*. All areas within the City of Albia zoned B-1, B-2 or I-1.

52.02 CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE. Every owner shall cut, mow and maintain all grass, weeds and brush upon the

owner's property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner's property, to a uniform height as defined in Section 52.03. Every owner shall cut, mow, and maintain grass, weeds adjacent to the curb line, including the parking area abutting the owner's property, in such a manner so as to be in conformity with and at an even height with all other grass, weeds, or brush growing on the remainder of the owner's property.

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

1. Developed Residential Areas - not to exceed eighth inches (8").
2. Undeveloped Residential Areas - not to exceed ten inches (10").
3. Business and Industrial Areas - not to exceed eight inches (8").

Grass, weeds, and brush which are allowed to grow in excess of the above specified limitations are deemed to be violations of this chapter. Lots or parcels of property that are used for the growth of an agricultural commodity, ie. corn, soybeans, hay, etc., are exempt from the provisions of this Chapter.

Residential gardens are permitted in Developed Residential Areas and Business and Industrial Areas. Property in Undeveloped Residential Areas used for the growth of an agricultural commodity, ie. corn, soybeans, hay, etc., are exempt from the provisions of this Chapter.

52.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every lot or parcel of property reported in violation of this chapter and, if such is found to be in violation of this chapter, the enforcement officer shall give the owner of such lot or parcel of property, and the person in possession thereof, if different from the owner, a notice stating the specifics thereof. This notice shall require the owner or person in possession of the lot or parcel of property to mow the lot or parcel within three (3) days of the mailing of the notice. Such notice shall be served by sending by Certified Mail to the owner of record, according to Section 364.12 (h) of the Code of Iowa, if he is found within the City limits. If he is not found within the City limits such service may be made upon said owner by registered mail or certified mail. Notice to the party in possession of the

property, if different from the owner, shall be by Certified Mail. Enforcement action shall begin four (4) days from the date of the mailing of the notice. The notice shall also advise the owner that he may request a hearing before the Council on the notice by filing a written request for hearing within forty-eight (48) hours of the date the notice is received. Days shall be computed pursuant to Sec. 4.1 of the Iowa Code.

52.05 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Nature. The owner shall be served by ordinary mail 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 allegations contained in the notice are not true.

3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.

52.06 RIGHT TO ABATE AND PENALTY. In case the owner, or person in possession, if different from the owner, shall fail, neglect, or refuse to comply with the notice to mow the lot or parcel of property, the enforcement officer may prosecute the owner, or person in possession, if different from the owner, as a violator of the provisions of this chapter and may proceed with the work specified in the notice. A fee of \$200.00 for a minimum of two hours and \$100.00 for any hours over the minimum of two hours shall be assessed to mow a lot or parcel of property pursuant to this section. In addition to the labor charge, a surcharge of \$100.00 shall be assessed to cover all administrative expenses incurred by the City. A statement of the cost of such work shall be transmitted to the Council. The City may immediately seek relief by filing a criminal or civil action for a violation of the City Code in the Iowa District Court.

52.07 ASSESSMENT OF COSTS. Costs incurred under Section 52.06 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 lot or parcel of property, and shall be certified to the County Auditor for collection in the manner provided for other taxes.

52.08 VARIANCES. The Council shall have the power to:

1. To hear and decide where owing to special conditions, a literal enforcement of the provisions of the ordinance will result

in unnecessary hardship. The spirit and purpose of the ordinance shall be observed and substantial justice done.

2. The council must determine that (1) an exceptional condition or other extraordinary and exceptional situation or condition exists and (2) the literal enforcement of the provisions of the ordinance would not result in substantial justice being done. In authorizing a variance, the council may attach such conditions regarding the location, character and other features of the proposed use as it may deem advisable in the interest of the furtherance of the purposes of the ordinance.

3. The council shall not grant a variance unless the council finds beyond reasonable doubt that exceptional or extraordinary circumstances or conditions exist. In addition, the use must be compatible with general intent of the mowing ordinances without detracting from the use and enjoyment of surrounding property and property owners.

Chapter 53 reserved for future use.

Chapter 54 reserved for future use.

CHAPTER 55
GENERAL PROVISIONS

55.01 Definitions

55.02 Nuisances Prohibited

55.01 DEFINITIONS. The following terms are defined for use in the chapter of this Code of Ordinances pertaining to nuisances:

1. Nuisance: shall mean whatever is injurious to health, indecent, or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances. (Code of Iowa, Sec. 657.1)

2. Offensive Smells. The erecting, continuing or using of any building or other place or the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public. (Code of Iowa, Sec. 67.2[1])

3. Filth or Noisome Substance. The 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])

4. Impeding Passage of Navigable River. The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water. (Code of Iowa, Sec. 657.2[3])

5. Water Pollution. The corruption 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])

6. Blocking Public and Private Ways. The obstruction 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])

7. Billboards. Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstructed and impair the view of any portion or part of a railroad or street highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. (Code of Iowa, Sec. 657.2[7])

8. Storing of Inflammable Junk. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by dealers in such articles within the fire limits of the City, unless it be in a building of fireproof construction. (Code of Iowa, Sec. 657.2[10])

9. Air Pollution. The emissions 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, Sec. 657.2[12])

11. Dutch Elm Disease. Trees infected with Dutch Elm Disease. (Code of Iowa, Sec. 657.12[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, or houses resorted to the use of opium or hashish 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. 725.4 & 725.5)

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

15. The operation of engine back-pressure braking systems on trucks, commonly known as "jake brakes".

16. Anything, such as garbage, food stuffs, grain, or other items, subject to deterioration or spoilage not stored in a tamper proof and enclosed container.

55.02 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 chapter 56 or State law. The City may immediately seek relief by filing a criminal or civil

action for a violation of the City Code in the Iowa District Court.
(Code of Iowa, Sec. 657.3)

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: NUISANCES

CHAPTER 56
ADMINISTRATIVE PROCEDURE

- 56.01 Nuisance Abatement
- 56.02 Notice to Abate: Contents
- 56.03 Method of Service
- 56.04 Request for Hearing
- 56.05 Abatement in Emergency
- 56.06 Abatement by City
- 56.07 Collection of Costs
- 56.08 Installment Payment Of Abatement
- 56.09 Failure to Abate

56.01 NUISANCE ABATEMENT. Whenever the Mayor or other authorized municipal office 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. The City may immediately seek relief by filing a criminal or civil action for a violation of the City Code in the Iowa District Court. (Code of Iowa, Sec. 365.12[3h])

56. 02 NOTICE OT ABATE: CONTENTS. The notice to abate shall contain:

1. Description of Nuisance. A description of what constitutes the nuisance to other condition.

2. Location of Nuisance. The location of the nuisance or condition.

3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance or condition.

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.

56.03 METHOD OF SERVICE. The notice may be in form of an ordinance or sent by certified mail to the property owner. (Code of Iowa, Sec. 364.12[3h])

56.04 REQUESTS 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 as 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.

56.05 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 56.07 after notice to the property owner under the applicable provisions of Sections 56.01, 56.02 and 56.03 and hearing as provided in Section 56.04. (Code of Iowa, Sec. 364.12[3h])

56.06 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 expenses account shall be filed with the Clerk who shall pay such expenses on behalf of the City. (Code of Iowa, Sec. 364.12[3h])

56.07 COLLECTION OF COSTS. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month the Clerk shall then 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])

56.08 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds one hundred dollars (\$100.00), the City shall permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law. (Code of Iowa, Sec. 364.13)

56.09 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 shall be in violation of the Code of Ordinances. The City may immediately seek relief by filing a criminal or civil action for a violation of the City Code in the Iowa District Court.

Chapters 57-59 Reserved for future use.

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: TRAFFIC CODE

CHAPTER 60
GENERAL PROVISIONS

- 60.01 Title
- 60.02 Definitions
- 60.03 Administration and Enforcement
- 60.04 Power to Direct Traffic
- 60.05 Traffic Accidents: Reports
- 60.06 Investigations of Traffic Accidents
- 60.07 Traffic Accidents: Studies
- 60.08 Files Maintained
- 60.09 Habitual Traffic Violators
- 60.10 Annual Safety Reports
- 60.11 Peace Officer's Authority
- 60.12 Obedience to Peace Officers

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

60.02 DEFINITIONS. Where words and phrases used in the Traffic Code are defined by State law, such definitions shall 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, shall have the following meanings:

1. All-terrain Vehicle: shall mean a motor vehicle designed to travel on three or more wheels and designed primarily for off-road use but not including farm tractors, construction equipment, forestry vehicles or lawn and grounds maintenance vehicles.

2. Business District: Shall mean the territory contiguous to and including the following designated streets:

A. A Avenue, from North A Street to North Second Street.

B. North Second Street from A Avenue East to East Washington Street.

C. East Washington Street from South Second Street to

South A Street.

D. South A Street from West Washington Street to A Avenue West.

E. C-1 Business District extends from B Avenue to Second Avenue and includes all of the properties facing onto Clinton and Main Street or within one-half block of the Courthouse on the east and west sides.

3. Park or Parking: Shall mean 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.

4. Peace Officer: Shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. (Code of Iowa, Sec. 321.1[50])

5. Residence District: Shall mean the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty (40) percent or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwelling or by dwelling and buildings in use for business. (Code of Iowa, Sec. 321.1[63])

6. School District: Shall mean the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house. (Code of Iowa, Sec. 321.1[70])

7. Stand or Standing: Shall mean the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

8. Stop: Shall mean when required, the complete cessation of movement.

9. Stop or Stopping: Shall mean, 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.

10. Suburban District: Shall mean all other parts of the City not included in the business, school, or residence districts. (Code of Iowa, Sec. 321.1[79])

11. Traffic Control Device: shall mean all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

12. Vehicle: Shall mean every vehicle 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. Provision of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the Police Chief.

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

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 Public Safety. A copy of his report shall be filed with the City for the confidential use of peace officers and shall be subject to the provisions of Section 321.273 & 321.274, Code of Iowa.

60.06 INVESTIGATION OF TRAFFIC ACCIDENTS. The Police Chief shall investigate all accidents reported. If sufficient evidence of a violation is found, proper action will be taken to punish the violator.

60.07 TRAFFIC ACCIDENTS: STUDIES. Whenever the accidents at any particular location become numerous, the Police Chief shall conduct studies of such accidents and propose remedial measures.

60.08 FILES MAINTAINED. The Police Chief shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver during the most recent three (3) year period. Such reports shall be filed alphabetically under the name of the driver concerned.

60.09 HABITUAL TRAFFIC VIOLATORS. The Police Chief shall study the cases of all drivers charged with frequent or serious violations of the traffic law or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefor, and shall take whatever steps are lawful and reasonable to prevent the same, or to have the license of such

persons suspended or revoked as provided by State law. (Code of Iowa, Sec. 321.210-321.215)

60.10 ANNUAL SAFETY REPORTS. The Police Chief shall prepare annually a traffic report which shall be filed with the Mayor and Council. Such report shall contain information on the number of traffic accidents, the number of persons killed and injured and the number and nature of violations and other pertinent traffic data including plans and recommendations for future traffic safety activities.

60.11 PEACE OFFICER'S AUTHORITY. Any peace officer is authorized to stop any vehicle to require exhibition of the driver's motor vehicle license, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, bills of lading or other manifest of employment, tires, and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of such vehicle. (Code of Iowa, Sec. 321.492)

60.12 OBEDIENCE TO PEACE OFFICERS. No person shall willfully fail or refuse to comply with any lawful order or directions of any peace officer invested by law with authority to direct control, or regulate traffic. (Code of Iowa, Sec. 321.229)

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: TRAFFIC CODE

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. 321.255)

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.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. 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.

61.06 The City Council of the City of Albia, Iowa, by resolution may place 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 and warn traffic. Said Resolution shall not be considered a part of the Albia City Code. Signs and traffic control devices shall be erected pursuant to the provisions of Ch. 61 of the City Code and State law.

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: TRAFFIC CODE

CHAPTER 62
GENERAL REGULATIONS

- 62.01 Violation of Regulations
- 62.02 Play Streets Designated
- 62.03 Vehicle on Sidewalks
- 62.04 Clinging to Vehicles
- 62.05 Quiet Zones
- 62.06 Funeral or Other
Processions

62.01 VIOLATION OF REGULATIONS. The City Council of the City of Albia, Iowa does hereby adopt and enact Chapter 321, Code of Iowa, as amended. The citation shall refer to Sec. 62.01 and shall reference the appropriate provisions of Ch. 321 of the Iowa Code.

62.02 PLAY STREETS DESIGNATED. The Mayor 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 residence 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 VEHICLES. 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, sled or toy vehicle shall attach the same or himself 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 OR OTHER PROCESSIONS. The following regulation

shall apply to funeral or other processions within the City:

1. Identified. A funeral or other procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such method as may be determined and designated by the Police Chief. (Code of Iowa, Sec. 321.236[3])

2. Manner of Driving. Each driver in a funeral or other procession shall drive as near to the right hand of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe. (Code of Iowa, Sec. 321.236 [3])

3. Interrupting Procession. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic control signals to peace officers. (Code of Iowa, Sec. 321.236 [3])

62.7 Golf Carts. The following regulation, in accordance with Iowa Code Section 321.247, shall apply to the operation of golf carts on city streets within the City of Albia:

1. All persons desiring to operate a golf cart upon the streets of the City must have a valid driver's license.

2. Golf carts may operate on the streets only from the hours of sunrise to sunset.

3. Gold carts are not permitted to operate on a street which is a primary road extension through the city but such vehicles may cross such street.

4. Golf carts shall be equipped with a slow moving vehicle sign and a bicycle safety flag and be equipped with adequate brakes.

5. The owner of said golf cart must maintain liability insurance on such vehicle at the minimum level required by the Code of Iowa for other motor vehicles authorized to operate upon public streets or roads.

6. Golf carts must be incapable of exceeding 20 mph. Any such vehicle exceeding 20 miles per hour must comply with all requirements of Federal Motor Vehicle Safety Standard for low speed vehicles contained in 49 C.F.R.571.500.

7. A person who violates this ordinance commits a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A, subsection 3

Editor's Note

Previously number sections 62.05, Mufflers; 62.07, School Buses; 62.09, Tampering with Vehicle; and, 62.10 Eluding or Attempting to Elude Pursing Law Enforcement Vehicle, were repealed on 11-19-2001.

TITLE II - COMMUNITY PROTECTION

DIVISION 2- ENFORCEMENT: TRAFFIC CODE

CHAPTER 63
SPEED REGULATIONS

- 63.01 General
- 62.02 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 20 MPH Speed Zones
- 63.10 Special 25 MPH Speed Zones
- 63.11 Special 30 MPH Speed Zones
- 63.12 Special 35 MPH Speed Zones

63.01 GENERAL. Every driver of a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead, said driver having the right to assume, however, that all persons using said street will observe the law. (Code of Iowa, Sec. 321.285)

63.02 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. 3231.285 [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, ALLEYS AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour in any public park, cemetery,

alley or parking lot, unless specifically designated otherwise in this chapter, is unlawful. (Code of Iowa, Sec. 321.236[5 & 11])

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 sounds 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 hereinbefore 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, 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 20 MPH SPEED ZONES. A speed in excess of twenty (20) miles per hour shall be unlawful on any of the following designated streets or parts thereof.

1. On Iowa Highway No. 5 from Second Avenue East to Third Avenue East;

2. On Iowa Highway No. 5 from A Avenue East to B Avenue East.

63.10 SPECIAL 25 MPH SPEED ZONES. A speed in excess of twenty-five (25) miles per hour shall be unlawful on any of the following designated streets or parts thereof.

1. On Spruce Lane from North 3rd Street to North 8th Street;

2. On Parkway Drive, Linden Lane, Maple Drive, Oak Circle and Pine Circle;

3. On North 8th Street from Burlington Northern Railroad to the North City Limits.

63.11 SPECIAL 30 MPH SPEED ZONES. A speed in excess of thirty (30) miles per hour shall be unlawful on any of the following designated streets or parts thereof.

1. On Iowa Highway No. 5 from B Avenue East to North A Street.

2. On Iowa Highway No. 5 from 3rd Avenue West to 11th Avenue West.

63.12 SPECIAL 35 MPH SPEED ZONES. A speed in excess of thirty-five (35) miles per hour shall be unlawful on any of the following designated streets or parts thereof.

1. On South Clinton Street from 11th Avenue to 17th Avenue.

63.12A SPECIAL 45 MPH SPEED ZONES. A speed in excess of forty-five (45) miles per hour shall be unlawful on any of the following designated streets or parts thereof.

1. On U.S. Highway 34 from Florence Street to C Street.

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: TRAFFIC CODE

CHAPTER 64
TURNING REGULATIONS

- 64.01 Authority to Mark
- 64.02 U Turns
- 64.03 No Left Turn Permitted
- 64.04 Left Turn Required
- 64.05 Left Turn Lanes

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 shall be unlawful for a driver to make a U turn except at an intersection, however, U turns are prohibited within the business district and at intersections where there are automatic traffic signals. (Code of Iowa, Sec. 321.255)

64.03 NO LEFT TURN PERMITTED. When appropriate signs are in place no driver shall make a left turn at the following location. (Code of Iowa, Sec. 321.311)

1. South Main Street, northbound traffic shall not turn left onto Benton Avenue.

2. South Main Street, northbound traffic shall not turn on to Washington Avenue.

64.04 LEFT TURN REQUIRED. Every Driver of a vehicle stopping at an intersection, on a one-way street, in the left lane shall turn left.

64.05 LEFT TURN LANES. Every driver of a vehicle shall turn left when in the left turn lane at the following intersections:

1. North Main Street, southbound traffic shall turn left while in the left turn lane at Benton Avenue.

2. South Main Street, northbound traffic shall turn left while in the left turn lane at Benton Avenue.

3. South Main Street, southbound traffic shall turn left while in the left turn lane at Washington Avenue.

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: TRAFFIC CODE

CHAPTER 65
STOP OR YIELD REQUIRED

- 65.01 Through Streets - Stop
- 65.02 Special Stops Required
- 65.03 Four-way Stop Intersections
- 65.04 Special Yield Required
- 65.05 School Stops
- 65.06 Stop Before Crossing Sidewalk
- 65.07 Stop When Traffic Is Obstructed
- 65.08 Yield to Pedestrians In Crosswalks
- 65.09 Official Traffic Controls

65.01 Through Streets - Stops. Every driver of a vehicle shall stop in accordance with the following:

1. Benton Avenue East from North Main Street to continue out to the city limits
2. Washington Avenue East from South Main Street to South 8["] Street to Benton Ave East
3. 2nd Avenue East from South Main Street to South 7th Street to Washington Avenue East
4. 3rd Avenue East from South Main Street to South 13th Street
5. 4th Avenue East from South Main Street to South 13th Street
6. South 13th Street from Benton Avenue East to Hwy 34
7. South 10th Street from Benton Avenue East to 3rd Avenue East
8. South 10th Street from 4["] Avenue East to end of Street
9. Washington Avenue East from South 10th Street to South 13th Street
10. 2nd Avenue East from South 10th Street to South 13th Street

11. South 11th Street from 4th Avenue East to 6th Avenue East to South 10th Street
12. South 9th Street from 4th Avenue East to end of Street
13. South 8th Street from 4th Avenue East to end of Street
14. 6th Avenue East from South Main Street to South 3rd Street to 4th Avenue East
15. 4th Avenue East from South 13th Street to Stop at 664th Avenue
16. 664th Avenue from Benton Avenue East to 4th Avenue East
17. South Main Street from Hwy 34 north to end of Street
18. South Main Street from Hwy 34 south to end of Street at City Limits
19. Florence Street from Hwy 34 to 17th Avenue East to South Main Street
20. North 8th Street from Benton Avenue East to Sports Complex Road
21. Sports Complex Road from Hwy 137 to 165th Street
22. A Avenue East from North 3rd Street to North 8th Street
23. B Avenue East from North Main Street to North 3rd Street
24. B Avenue East from North 3rd Street to North 8th Street
25. North 3rd Street from Benton Avenue East to Stop at B Avenue East
26. North 2nd Street from B Avenue East to D Avenue East to North 3rd Street
27. North Main Street from Hwy 5 to G Avenue West to North A Street
28. North A Street from Hwy 5 north to end of Street
29. North B Street from Hwy 5 north to end of Street
30. North E Street from Hwy 5 north to end of Street

31. North F Street from Hwy 5 north to end of Street
32. B Avenue West from North Main to North D Street
33. Benton Avenue West from North A Street to 196th Street to city limits
34. North A Street from Benton Avenue West to B Avenue West
35. North Clinton from Benton Avenue West to B Avenue West
36. Benton Avenue West from 196th Street to city limits
37. A Avenue West from North A Street to North H Street to Benton Avenue West
38. B Avenue West from North D Street to North F Street to A Avenue West
39. C Avenue West from North D Street to North A Street to Hwy 5
40. North B Street from C Avenue West to Hwy 5
41. North Clinton from Hwy 5 to Rail Road Alley
42. E Avenue West from North D Street to North B Street
43. C Avenue West from Hwy 5 to North B Street to B Avenue West
44. North 13th Street from Benton Avenue East to end of Street
45. A Avenue East from North 8th Street to North 13th Street
46. North 9th Street from A Avenue East to C Avenue East
47. North 10th Street from A Avenue East to C Avenue East
48. B Avenue East from North 10th Street to North 11th Street to C Avenue East
49. C Avenue East from North 8th Street to North 12th Street to C Avenue East
50. North 9th Street from C Avenue East to G Avenue East

51. North 10th Street from C Avenue East to G Avenue East
52. D Avenue East from North 10th Street to end of Street
53. E Avenue East from North 10th Street to North 12th Street to G Avenue East
54. F Avenue East from North 12th Street to North 13th Street to G Avenue East
55. G Avenue East from North 8th Street to end at city limits
56. Spruce Lane from North 3rd Street to North 8th Street
57. Parkview Drive from Spruce Lane to end at city Park
58. Maple Drive from Spruce Lane to Parkview Drive
59. South A Street from Benton Avenue West to 2nd Avenue West
60. South A Street from 2nd Avenue West to 7th Avenue West to South Clinton
61. South Clinton from Washington Avenue West to Princeton
62. 2nd Avenue West from South Clinton to Oak View Cemetery
63. Washington Avenue West from South A Street to 196th Street
64. 3rd Avenue West from South A Street to South C Street
65. South C Street from 2nd Avenue West to 4th Avenue West
66. 4th Avenue West from South A Street to South D Street to 3rd Avenue West to South C Street
67. 17th Avenue West from Hwy 5 to South C Street to 16th Avenue West to Hwy 5
68. South B Street from 17th Avenue West to 19th Avenue West to Hwy 5
69. South B Street from 19th Avenue West to 21st Avenue West to Hwy 5

70. 15th Avenue West from Hwy 5 to South C Street to Hwy 34

71. 14th Avenue West from Hwy 5 to South B Street to 15th Avenue West

72. 12th Avenue West from Hwy 5 to end of Street

73. South A Street from 12th Avenue West to 13th Avenue West to Stop at South C Street

74. 11th Avenue West from Hwy 5 to South B Street to 12th Avenue West

75. 10th Ave West from South Clinton to end of Street

76. 9th Avenue West from South Clinton to end of Street

77. North 3rd Street from B Avenue East to stop at G Avenue East

65.02 SPECIAL STOPS REQUIRED. Every driver of a vehicle shall stop in accordance with the following: (Code of Iowa, Sec. 321.345)

1. Every driver of a vehicle shall stop or yield in accordance with the posted traffic control device.

2. Every driver traveling on a street not designated as a "through street" as defined in section 65.01, shall stop at the intersection of that street with a designated through street.

65.02A THREE-WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated three-way stop intersections:

1. The intersection of 4th Avenue East and 664th Avenue.

2. The intersection of C Avenue West and D Avenue West.

3. The intersection of B Ave West and North D Street.

65.03 FOUR-WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated four-way stop intersections: (Code of Iowa, Sec. 321.345)

1. The intersection of Benton Avenue West and A Street.

2. The intersection of B Avenue East and North Third Street.

3. The intersection of A Avenue East and North 2nd Street.

65.04 SPECIAL YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the following: (Code of Iowa, Sec. 321.345)

1. Third Avenue West. Vehicles traveling on Third Avenue West shall yield at A Street South.

2. B Street South. Vehicles traveling on B Avenue South shall yield at Fifteenth Avenue West.

3. Thirteenth Avenue West. Vehicles traveling west on Thirteenth Avenue West shall yield at South C Street.

4. South Second Street. Vehicles traveling south on South Second Street shall yield at Sixth Avenue East.

5. B Avenue West and North D Street. Vehicles traveling west on B Avenue West and north on North D Street shall yield prior to entering the intersection of B Avenue West and North D Street.

6. Washington Avenue East, Second Avenue East and Third Avenue East. Vehicles traveling east on Washington Avenue East, Second Avenue East and Third Avenue East shall yield prior to entering the intersections of South Thirteenth Street and Washington Avenue East, Second Avenue East and Third Avenue East.

7. Fifth Avenue. Vehicles traveling west on Fifth Avenue shall yield prior to entering the intersection of South A Street and Fifth Avenue West.

8. Linden Lane. Vehicles traveling east on Linden Lane shall yield at Maple Drive.

9. Linden Lane. Vehicles traveling west on Linden Lane shall yield at Parkview Drive.

10. Maple Drive. Vehicles traveling west on Maple Drive shall yield at Parkview Drive.

11. South 6th, Second Avenue and Third Avenue. Vehicles

traveling north and south shall yield.

12. Oak Circle. Vehicle traveling south on Oak Circle shall yield at Maple Drive.

13. South 5th. Vehicles traveling north and south shall yield at Second Avenue.

14. Vehicles traveling north and south on South C Street shall yield prior to entering and crossing Second Avenue West.

65.05 SCHOOL STOPS. At the following school crossing zones every driver of a vehicle approaching said zone shall bring the vehicle to a full stop at a point 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 having passed through such school crossing zone. (Code of Iowa, Sec. 321.249)

1. South Clinton Street at pedestrian crosswalk in front of school (north-south traffic)

2. South Main Street at Sixth Avenue East (north-south-west traffic).

3. East Benton Street at North Sixth Street (east-west traffic).

4. North Main Street at B Avenue East (north-south traffic).

5. North Second Street between B Avenue East and C Avenue East.

6. North Third Street between B Avenue East and C Avenue East.

7. Westbound and eastbound traffic on B Avenue East at the intersection with North 2nd Street.

8. The designated crosswalk on Washinton Avenue East at Kendall School.

65.06 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving on to the sidewalk area and thereafter shall proceed into the sidewalk area only when able to do so without danger to pedestrian traffic and shall yield

the right-of-way to any vehicular traffic on the street into which the vehicle is entering. (Code of Iowa, Sec. 321.353)

65.07 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

65.08 YIELD TO PEDESTRIANS IN CROSSWALKS. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be, to yield to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection. (Code of Iowa, Sec. 321.327)

65.09 OFFICIAL TRAFFIC CONTROLS. Every driver shall observe and comply with the direction provided by official traffic control signals at the following intersections: (Code of Iowa, Sec. 321.256)

1. North Main Street and East Benton Avenue.
2. South Main Street and Washington Avenue East.
3. Washington Avenue East and South Clinton Street.
4. West Benton Avenue and North Clinton Street.

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: TRAFFIC CODE

CHAPTER 66
LOAD AND WEIGHT RESTRICTIONS

- 66.01 Weight Restrictions
- 66.02 Permits for Excess Size and Weight
- 66.03 Weight and Axle Restrictions
- 66.04 Load Limit on Bridges
- 66.05 Truck Route
- 66.06 Penalties
- 66.07 Special Permits

66.01 WEIGHT RESTRICTIONS. Pursuant to the authority granted the City of Albia by the Code of Iowa, the City has elected to restrict the weight of vehicles permitted to operate upon its city streets and alleys. Effective July 1, 2011,

1. No person shall drive any vehicle having more than two axles or a total gross weight 36,000 pounds upon any street, avenue, highway or alley in the City of Albia, Iowa.

2. Axles of a motor vehicle, trailer, or semitrailer which are less than forty inches apart center to center shall be considered as a single axle for the purpose of determining permissible gross weight.

3. The gross weight on any one axle of a vehicle, or of a combination of vehicles, operated on the highways of this state, shall not exceed twenty thousand pounds on an axle equipped with pneumatic tires, and shall not exceed fourteen thousand pounds on an axle equipped with solid rubber tires. The gross weight on any tandem axle of a vehicle, or any combination of vehicles, shall not exceed thirty-four thousand pounds on an axle equipped with pneumatic tires. This subsection does not apply to implements of husbandry.

4. Notwithstanding other provisions of this ordinance to the contrary, indivisible loads operating under the permit requirements of this ordinance shall be allowed a maximum of twenty thousand pounds per axle.

5. The maximum gross weight allowed to be carried on a vehicle or combination of vehicles on streets and alleys is set forth in the wheel base chart for non-primary highway system as set forth in Iowa Code Section 321.463.

66.02 PERMITS FOR EXCESS SIZE AND WEIGHT The City Clerk or his/her designee, may, upon application in writing and for good cause, issue a permit authorizing the applicant to operate or move a single vehicle of not more than 3 axles or combination vehicle of not more than 5 axles of a size or weight exceeding the maximum specified by State law or this ordinance. Indivisible loads will be permitted on a case by case basis.

1. Permits may be issued per project (good for a seven day period) or on an annual basis as appropriate and will be without fee.

2. Such permits will issue to a specific individual vehicles and will specify the route of travel such vehicle must use when operating within the city limits.

3. Giving of false or inaccurate information in order to obtain a permit improperly shall be a separate municipal infraction and subject to civil penalties as set forth in Chapter 4 of the City Code. In addition, persons found in violation of this section will be ineligible to obtain a permit for a period of 180 days from the date of the violation for first offense and 1 year from the date of violation for any subsequent violation.

4. The person authorizing such permits may waive the permit requirement on a limited basis for those instances in which an event has caused the interruption of utilities and access is needed on an emergency basis to re-establish service.

66.03 WEIGHT AND AXEL RESTRICTION EXCEPTIONS. Vehicles operating with no more than two axles as set forth above may operate without permit as set forth below:

A. The following streets will have a 40 tons gross weight limit:

1. G Ave West from Highway 5 to B Ave West;
2. B Ave West from G Ave West to North Main Street;
3. C Ave West and B Street North from North Main Street to B Ave West;
4. A Street North from Benton Ave West to B Ave West;
5. A Street South from 2nd Ave West to Benton Ave West;
6. North Clinton from C Ave West to Benton Ave West;
7. South Clinton from 2nd Ave West to Benton Ave West;
8. North 2nd Street from A Ave to Benton Ave East;
9. South 2nd Street from 2nd Ave East to Benton Ave East:

10. A Ave West from A Street North to North 2nd Street;
11. Washington Ave West from A Street South to South 2nd Street;
12. 2nd Ave West from A Street South to South 2nd Street;
13. C Street South from Highway 34 W to 15th Ave West;
14. 15th Ave West from C Street South to Highway 5 South;
15. 17th Ave West from C Street South to Highway 5 South;
16. 19th Ave West from B Street South to Highway 5 South;
17. B Street South from 17th Ave West to and including 21st Ave West to Highway 5 South; and,
18. 27th Avenue East.
19. 664th Ave from Benton to 4th Ave. East
20. Florence Street, the first 200 feet south of Highway 34.
21. North Clinton Street from Hwy 5 North to C Ave West.
22. North A Street from Hwy 5 North to C Ave West.
23. North B Street from Hwy 5 North to C Ave West.
24. E Ave West from North D Street to Hwy 5 North.
25. C Ave West from North D Street to North Clinton.

B. The following roads will not be affected by the weight or axle restrictions of this ordinance:

1. Highway 5;
2. Highway 34;
3. Highway 137; and,
4. Benton Ave East and West to the city limits.

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 bridges 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)

66.05 TRUCK ROUTE. A person driving a truck, tractor trailer or semi-trailer through the City shall follow the designated through truck route or stay on U.S. and/or State Highways at all times.

66.06 PENALTIES. Violation of this Chapter shall be deemed a municipal infraction and both the vehicle operator and, if different, the owner of said vehicle shall be subject to the

following special civil penalties:

- A. First Offense - Warning issued to operator and, if different, to vehicle owner.
- B. Second Offense with a two year period - \$1,000.00
- C. Third and Subsequent Offenses - \$1,500.00"

66.07 SPECIAL PERMITS:

The Mayor, with the advice and consent of the Council, may upon application in writing, good cause being shown and when in the public interest, issue a special permit in writing authorizing the applicant to operate or move a vehicles or combination of vehicles of a size or weight exceeding the maximum specified by the 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. The permit shall impose such terms and conditions which will minimize the damage to public streets hold those responsible for any damage and promote the public interest. The Mayor may consent in an emergency

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: TRAFFIC CODE

CHAPTER 67
PEDESTRIANS

- 67.01 Use Sidewalks
- 67.02 Walking in Street
- 67.03 Hitch Hiking
- 67.04 Pedestrian Crossing

67.01 USE SIDEWALKS. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent street.

67.02 WALKING IN STREET. Where sidewalks are not provided 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)

67.03 HITCH HIKING. 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)

67.04 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)

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: TRAFFIC CODE

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. North Fifth Street shall be southbound only from B Avenue East to A Avenue East.

2. North Sixth Street shall be northbound only from A Avenue East to B Avenue East.

3. North Third Street from G Avenue East to Iowa Highway 137.

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: TRAFFIC CODE

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 Handicapped Parking
- 69.08 No Parking Zones
- 69.09 All Night Parking Prohibited
- 69.10 Parking Limited to Fifteen Minutes
- 69.11 Parking Limited to Two Hours
- 69.12 Parking Signs Required
- 69.13 Controlled Access Facilities
- 69.14 Official Parking Only
- 69.15 Loading Zone
- 69.16 Temporary Parking
- 69.17 Lease Vehicles
- 69.18 Scheduled Violation

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 shall be permitted only in the following locations:(Code of Iowa, Sec. 321.361)

1. Washington Avenue East, from South Main Street to South Clinton Street.

2. South Clinton Street, from East Benton Avenue to Washington Avenue East.
3. East Benton Avenue, from South Clinton Street to South Main Street.
4. Second Avenue East, on the north side, from A Street South to South Clinton Street.
5. Second Avenue East, on the south side, from South Main Street to the alley between South Main Street and North Second Street.
6. A Street South, on the west side, from West Benton Avenue to Washington Avenue West.
7. Second Street, from A Avenue East to Washington Street East.
8. South Second Street, on the west side, from Washington Avenue East to Second Avenue East.
9. Second Avenue East, from South Second Street to South Main Street.
10. West Benton Avenue, on the north side, from A Street South to B Street North.
11. B Avenue East, on the north side, from North Second Street to North Third Street.
12. North Second Street, on the east side, from B Avenue East to C Avenue East.
13. A Avenue East, on the south side, from North Main Street to A Street North.
14. The East side of A Street North, from A Avenue West to B Avenue West.
15. The north side of A Avenue West from North Clinton Street to the alley immediately west of North Clinton 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 the roadway for any of the following principle purposes: (Code of Iowa, Sec. 3231.236 [1])

1. Sale. Displaying such vehicle for sale.
2. Repairing. For commercial washing, greasing or repairing 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 daily established market place or when so authorized or licensed under the Code of Ordinances.
5. Storage. Storage or as junkage or dead storage for more than seventy-two (72) hours.
6. Parking of vehicles over 80 inches in width on the streets and alleys from dusk to dawn. The width shall not include any federally or state mandated safety equipment.
7. Any vehicle parked in violation of this section is deemed to be a nuisance and may be towed or removed by or under the direction of the police department to any place designated by the department for safekeeping.

a. Notice of Towing. In the event the Police Chief or a designated subordinate directs the towing or removal of any vehicle in accordance with this section, the Police Chief or said subordinate shall make a record thereof and shall within twenty-four (24) hours thereafter give written notice to the owner at the last known address, if known, and if the owner is unknown, on the first business day following the day of such towing or removal shall cause to be published a notice at least once in a newspaper having general circulation in the City. Such notice shall include a statement of the time of towing or removal, the place of storage, a description of the vehicle and the registration number, if any.

b. Cost. The cost of towing or removal of any vehicle in

accordance with this section add the storage charges, if any, shall be paid by the owner of such vehicle, but any such charges shall not be considered a fine, penalty or forfeiture.

c. Permits. The Police Chief may, pursuant to Section 66.02 of this Code upon application in writing and good cause being shown issue a special permit waiving the provisions of this section for a specific period and under specific conditions.

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 at an intersection. (Code of Iowa, Sec. 321.236 [1] & 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 vehicle 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 theater, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospitals, nursing home, taxi-cab 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 and actively delivering goods or providing services. (Code of Iowa, Sec. 321.236[1])

69.07 HANDICAPPED PARKING. Parking for the use of the physically handicapped is provided as follows: (Code of Iowa, Ch. 321L)

1. Required Spaces. All public and private building and facilities, temporary and permanent, used by the general public, which are not residence and which provide forty-eight (48) or more parking spaces, shall set aside at least six-tenths (6/10) of one percent of the parking spaces provided as handicapped parking spaces as defined in Section 601E.1, Code of Iowa. All public and private buildings and facilities, temporary and permanent, which are residences excluding condominiums as defined in Chapter 499B, Code of Iowa, and which provide twelve or more parking spaces, excluding extended health care facilities, shall set aside at least one handicapped parking space as defined in Section 601E.1, Code of Iowa, for each individual dwelling unit in which a handicapped person resides. Buildings and facilities required under this subsection to provide handicapped parking spaces shall set aside at least one such space. (Code of Iowa, Chapter 104A)

2. Optional Public Spaces. Where the provision of subsection 1 above are not applicable, the Council, by resolution, may set aside on or off-street parking spaces as handicapped parking spaces.

3. Optional Private Spaces. Where the provisions of subsection 1 above are not applicable, a person may set aside handicapped parking spaces on the person's property provided each parking space is clearly and prominently designated at a handicapped parking space.

4. Unlawful Use. The use of a handicapped parking space by a motor vehicle not displaying a handicapped identification device, or by a motor vehicle displaying such a device but not being used by a handicapped person as operator or passenger, is a misdemeanor.

4A. A person confined to a wheelchair may use a parking space not designated as a person-with-disabilities space and may reserve up to an 8-foot apace adjacent to the motor vehicle. The wheel chair parking cone must be placed within eight feet of the motor vehicle's entry. The vehicle must display a disabled person's parking permit and the person must carry a statement in the vehicle stating that the person is unable to walk. A person not complying shall be fined \$20.00 and a person interfering with a wheelchair parking cone shall be fine \$100.00. Sec. 321L.2A.

5. Scheduled Violation. A violation of this Section is a scheduled violation subject to a fine of one hundred dollars (\$100.00) (Code of Iowa, Sec. 805.8 [2])

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. B Avenue West, on the north side, from North Clinton Street to A Street North.
2. A Street North, on the east side, from A Avenue West to West Benton Avenue.
3. A Street South, on the east side, from West Benton Avenue to North Second Street.
4. A Avenue East, on the north side, from North Main Street to North Second Street.
5. Second Avenue West, on the south side, from South Clinton Street to C Street South.
6. Seventeenth Avenue West, on the north side, from South Clinton Street to C Street South.
7. West Benton Avenue, on the north side, from A Street South to C Street South.
8. East Benton Avenue, on the north side, from North Second Street to North Third Street.
9. C Avenue West, on the north side, from North Clinton Street to North Eighth Street.
10. A Avenue East, on the south side, from North Third Street to North Eighth Street.
11. B Avenue East, on the north side, from North Fifth Street to North Sixth Street, during the hours of eight o'clock (8:00) a.m. to five o'clock (5:00) p.m. Monday through Friday of each week.
12. North Fifth Street, on the east side, from B Avenue East to C Avenue East during the hours of eight o'clock (8:00) a.m. to five o'clock (5:00) p.m. Monday through Friday of each week.
13. A Avenue West, on the south side, from North A Street to North F Street.

14. North Clinton Street, on the west side, from North B Street to North C Street.
15. B Avenue West, on both sides, from North Main Street to North Clinton Street.
16. B Avenue West, on the north side, from North Clinton Street to North A Street.
17. B Avenue West, on both sides, from North A Street to North D Street.
18. North B Street from A Avenue West to C Avenue West.
19. South Third Street, on the east side, from Benton Avenue East to Washing Avenue East.
20. North Third Street, on the west side, from the Burlington Northern railroad tracks to Iowa Highway 137.
21. Fifteenth Avenue West, on the north side, from North B Street to North Clinton Street.
22. C Avenue West, on the south side, from North B Street to North Clinton Street.
23. South A Street, on the east and west sides, from Fifth Avenue to South Clinton Street.
24. North D Street, on both sides, from B Avenue West to G Avenue West.
25. D Avenue East, on the south side, from North Eleventh Street to North Thirteenth Street.
26. Second Avenue West, on the south side, from South A Street thence west a distance of 264 feet.
27. B Avenue East, on the South side, from North Eighth Street to North Sixth Street.
28. North Third Street, on the east side, from B Avenue East to C Avenue East.
29. Tenth Avenue East, on both sides, from south Clinton Street thence east a distance of 35 feet.
30. North Eighth Street, on the east side from Benton

Avenue East north to A Avenue East; and on the west side from Benton Avenue East thence north for a distance of 35 feet.

31. Third Avenue West, on the south side, from South Clinton Street to South A Street.

32. North Third Street, on the west side, from B Avenue, 300 feet north.

33. North Third Street, on both sides from Spruce Lane thence north to the Albia Park Road.

34. Thirteenth Avenue West, on the south side, from South B Street west to the corporate city limits.

35. 6th Avenue East, on the South Side from South Main to South Second Street.

36. the south side B Avenue East between North 2nd and North 3rd Street East in the City of Albia, Iowa between 8:00 a.m. to 9:00 a.m. and 3:00 p.m. to 4:00 p.m.

37. G Avenue East from North 8th Street east to the City limits of the City of Albia, Iowa.

38. The east side of North 3rd Street from A Avenue East to B Avenue East from 8:00 a.m. to 9:00 a.m. and from 2:30 p.m. to 4:00 p.m. on days when school is in session.

39. Washington Avenue East between South 6th Street and South 8th Street on the North side of the street in the City of Albia, Iowa between 7:30 a.m. - 4:30 p.m. on school days.

40. Washington Avenue East between South 8th Street and the school bus barn.

41. On the South side of B Avenue East between the northeast corner of Lot 3 in Mohlers Addition to the City of Albia, Monroe County, Iowa to North 3rd Street.

42. The West side of A Street North, on from A Avenue West to B Avenue West.

43. The west side of North A Street from A Avenue West south to the alley between A Avenue West and Benton Avenue West.

44. Both sides of 165th Street from Iowa Highway 137 east to

the west emergency room entrance of the Monroe County Hospital.

45. Both side of Iowa Highway 137 from 165th Street South to Sports Complex Road.

46. Both side of South B Street from the intersection of 21st Avenue West northward 300 feet.

47. 27 feet north and 27 feet west of the curb corner at the northwest corner of the intersection of South Main Street and Second Avenue, 27 feet north and 27 feet east of the curb corner at the northeast corner of the intersection of South Main Street and Second Avenue and 27 feet south and 27 feet west of the curb corner at the southwest corner of the intersection of South Main Street and Second Avenue.

48. The east side of Clinton Street from 3rd Avenue West to 4th Avenue West.

49. On the North side of C Ave West from the west corner of north/south alley, 195 feet to the west.

50. On both sides of North Main from "A" Ave East to "C" Avenue East.

51. On north side of 15th Ave West beginning 140 feet west of the intersection of 15th Ave West & South Clinton to South C Street.

50. Edwards Street North "E" Street, both sides and then continuing on North "E" street 50 foot west on the North side of the street to Benton Ave West.

69.09 ALL NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any of the following named streets for a period of time longer than thirty (30) minutes between the hours of eleven thirty o'clock (11:30) p.m. and six o'clock (6:00) a.m. of the following day. (Code of Iowa, Sec. 321.236 [1])

1. Main Street, from A Avenue East to Second Avenue East.
2. Benton Avenue, from North Second Street to A Street North.
3. Clinton Street, from A Avenue West to Second Avenue West.

4. Washington Avenue, from South Second Street to A Street South.
5. Thirteenth Avenue West, from South B Street west to the corporate city limits.
6. South B Street from 17th and 19th Avenue West.
7. The fine for a violation of Section 69.09 (1), (2), (3) and (4) shall be \$25.00 for the first offense, \$50.00 for the second offense and \$100.00 for the third offense and \$150.00 for the fourth and subsequent offenses.

69.10 PARKING LIMITED TO FIFTEEN MINUTES. It shall be unlawful to park any vehicle for a continuous period of more than fifteen (15) minutes at any time upon the following designated streets:

1. North Main Street, on the east side, from Benton Avenue to a point north one Space.
2. North Main Street, on the east side, the second space south of A Avenue East.
3. Washington Avenue East, on the south side, from the first space east of South Second Street to South Second Street.
4. The west side of North A Street from Benton Avenue West to the alley between A Avenue West and Benton Avenue West.

69.11 PARKING LIMITED TO TWO HOURS. It shall be unlawful to park any vehicle for a continuous period of more than two (2) hours between the hours of eight-thirty o'clock (8:30) a.m. and five-thirty o'clock (5:30) p.m. Monday through Saturday, upon the following designated streets: (Code of Iowa, Sec. 321.236 [1])

1. East Benton Avenue, on the south side, from South Clinton Street to South Main Street.
2. South Clinton Street, on the east side, from South Clinton Street to South Main Street.
3. Washington Avenue East, on the north side, from South Clinton Street to South Main Street.
4. South Main Street, on the west side, from East Benton Avenue to Washington Avenue East.
5. Clinton Street, from Second Avenue West to A Avenue West.

6. Main Street, from Second Avenue West to A Avenue West.
7. Benton Avenue, from A Street North to North Second Street.
8. Washington Avenue, from A Street South to North Second Street.

69.12 PARKING SIGNS REQUIRED. Whenever by this chapter or any other section of the Code of Ordinances any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the Police Chief to erect or cause to be erected appropriate signs giving notice thereof and no such regulations shall be effective unless signs are erected and in place at the time of any alleged offense. When the signs are so erected given notice thereof, no person shall disobey the restrictions stated on such signs. (Code of Iowa, Sec. 321.255 & 321.256)

69.13 CONTROLLED ACCESS FACILITIES. Parking restrictions on controlled access facilities shall be as specified in Chapter 176 of this Code of Ordinances.

69.14 OFFICIAL PARKING ONLY. No person, except those designated as official personnel, shall park a vehicle on Second Avenue West, the north side, from South A Street, thence west a distance of 264 feet. For purposes of this section, *official personnel* include volunteer fire fighters, ambulance and rescue personnel, police department personnel and sheriff's department personnel.

69.15 LOADING ZONE. There shall be no parking from 6:00 a.m. to 6:00 p.m. on the north side of Second Avenue West from South Clinton Street thence west to the city alley. This area shall constitute a loading zone. There shall be no parking in this area except for vehicles that are loading and unloading supplies.

69.16 Temporary Parking. The Mayor or Chief of Police may upon application temporarily suspend any parking provisions in this Chapter. The Chief of Police shall cause to be placed over the traffic control device a sack or other appropriate device "temporarily suspended by Order of the Chief of Police".

69.17 LEASE OR RENTAL EXCEPTION. The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing, or parking of a vehicle, whether the provision is contained in this chapter, or chapter 321L, or an ordinance or other regulation or rule, if the owner establishes that at the time

of the violation the vehicle was in the custody of an identified person other than the owner pursuant to a lease as defined in chapter 321F or pursuant to a rental agreement as defined in section 516D.3. The furnishing to the clerk of the district court where the charge is pending of a copy of the lease prescribed by section 321F.6 or rental agreement that was in effect for the vehicle at the time of the alleged violation shall be prima facie evidence that the vehicle was in the custody of an identified person other than the owner within the meaning of this paragraph, and the charge against the owner shall be dismissed. The clerk of the district court then shall cause a uniform citation and complaint to be issued against the lessee or renter of the vehicle and the citation shall be served upon the defendant by ordinary mail directed to the defendant at the address shown in the lease or rental agreement.

69.18 SCHEDULED VIOLATION. A violation of this Chapter is a scheduled violation subject to a fine of \$17.00 unless another provision of this Chapter or the Iowa Code establishes a specific fine.

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: TRAFFIC CODE

CHAPTER 69A
EMERGENCY SNOW REMOVAL

- 69A.01 Purpose
- 69A.02 Declaration of Snow Emergency
- 69A.03 Emergency Snow Routes
- 69A.04 Snow Parking Regulations
- 69A.05 Enforcement
- 69A.06 Nuisance

69A.01 PURPOSE. The purpose of this chapter is to establish rules and regulations for the declaration of emergency snow routes and to provide a means to notify the public of the need to remove vehicles for street plowing by the City.

69A.02 DECLARATION OF SNOW EMERGENCY. When it becomes necessary for the City to cause snow and/or ice to be plowed or removed from its public streets, avenues, alleys or other public places, due to the accumulation of ice or snow thereon or causing a hindrance to traffic and constituting an emergency situation requiring the same to be plowed or removed, the Mayor or a designated representative shall, by appropriate public media, declare the commencing of such emergency situation and the enforcement of emergency snow parking regulations as set forth in this chapter, and such regulations shall remain in force and effect until lifted by the Mayor or the designated representative, except that any public street, avenue, alley or other public place which has become substantially cleared of snow and/or ice from curb to curb for the entire length of the block shall automatically terminate the emergency snow parking regulations as to that public street, avenue, alley or other public place. For the purpose of this section, the accumulations of snow and/or ice on any public street, avenue, alley or other public place deemed sufficient for the application of emergency parking regulations is defined as being such accumulation thereof which hinders the safe movement of vehicular traffic in general thereon to which impedes the ability of emergency and other vehicle to travel safely and expeditiously along, over and across the same. Appropriate public media is defined as being a public announcement by means of broadcasts or telecasts from radio and televising stations KLBA and the Albia Newspaper Cable Channel 12. The Mayor or designated representative may also cause such declaration to be announced in a newspaper of general circulation in the City, when time permits. The public announcement shall also specify the time and date the emergency situation shall be in force and effect.

69A.03 EMERGENCY SNOW ROUTES. The Mayor is authorized, empowered and directed to cause signs to be erected on the City street system to designate which streets are emergency snow routes. Upon the declaration of such emergency situation by the mayor or designated representatives, as provided in this chapter, parking will be prohibited on these streets for the period of such emergency.

69A.04 SNOW PARKING REGULATIONS. Upon the declaration of such emergency situation as provided in this chapter, emergency snow parking regulations on the City streets, avenues, and alleys means there shall be no parking on the streets, avenues, or alleys until such streets, avenues and alleys are cleared as provided in this chapter.

69A.05 ENFORCEMENT. The provisions of Section 69A.04 shall supersede all other parking regulations in force and effect and posted on any street, avenue or alley during such emergency situation

69A.06 NUISANCE. Any vehicle located or parked within the limits of any street, alley or parking lot in the City which is substantially interfering with the prompt and orderly plowing or removal of snow or ice from such streets, alleys or parking lots in violation of this chapter is declared to be a nuisance and may be towed or removed by or under the direction of the police department to any place designated by the department for safekeeping.

1. Notice of Towing. In the event the Police Chief or a designated subordinate directs the towing or removal of any vehicle in accordance with this section, the Police Chief of said subordinate shall make a record thereof and shall within twenty-four (24) hours thereafter give written notice to the owner at the last known address, if known, and if the owner is unknown, on the first business day following the day of such towing or removal shall cause to be published a notice at least once in a newspaper having general circulation in the City. Such notice shall include a statement of the time of towing or removal, the place of storage, a description of the vehicle and the registration number, if any.

2. Cost. The cost of towing or removal of any vehicle in accordance with this section add the storage charges, if any, shall be paid by the owner of such vehicle, but any such charges shall not be considered a fine, penalty or forfeiture.

CHAPTER 69B
REGULATION OF RECREATIONAL TRAILS

- Sec. 69B.01 GENERAL
- Sec. 69B.02 REGULATION
- Sec. 69B.03 SELF-PROPELLED VEHICLES
- Sec. 69B.04 CAREFUL AND PRUDENT USE
- Sec. 69B.05 SCHEDULED FINE
- Sec. 69B.06 DISABLED PEOPLE

Sec. 69B.01 GENERAL. The City of Albia, Iowa, may establish and regulate recreational trails within the corporate limits of the City of Albia, Iowa by resolution.

Sec. 69B.02. REGULATION. The Police Chief as directed by council resolution may cause markers, buttons, or signs to be placed within or adjacent to the recreational trails. No person shall use the recreational trail or trails other than as directed and required by such markers, buttons, or signs.

Sec. 69B.03. SELF-PROPELLED VEHICLES. No person shall operate a self-propelled vehicle (including but not limited to motorized vehicles) on a path designated as a recreational trail.

Sec. 69B.04. CAREFUL AND PRUDENT USE. No person shall use a recreational trail in other than in a careful and prudent manner.

Sec. 69B.05. SCHEDULED FINE. The scheduled fine for a violation of Sec 69B.03 shall be a civil penalty of **\$500.00** for the first offense and \$750.00 for each subsequent offense for Sec 69B.03. The scheduled fine for a violation all other section of Chapter 69B shall be a civil penalty of \$100 for the first offense and \$250.00 for each subsequent offense violation of the other provisions of Chapter 69B.

Sec. 69B.09 DISABLED PEOPLE. A disabled person as defined in Sec 216.2(5) Code of Iowa (1999) may apply to the chief of police to operate a self propelled vehicle on a recreational trail. The Chief of Police may issue such a permit at no charge.

Chapters 70-75 are reserved for future use.

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: BICYCLES

CHAPTER 75
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 Following Fire Truck
- 75.12 Improper Riding
- 75.13 Parking
- 75.14 Equipment Requirements
- 75.15 Scheduled Fine

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 regulation 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.

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

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

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.

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.

75.09 RIDING ON SIDEWALKS. No person shall ride a bicycle on a sidewalk except in accordance herewith:

1. Business District. No person shall ride a bicycle upon a sidewalk within a business district.
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.
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.

75.10 TOWING. It shall be unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City.

75.11 FOLLOWING FIRE TRUCK. No person riding a bicycle shall follow a fire truck or other fire equipment at any time.

75.12 IMPROPER RIDING. No person shall ride a bicycle in an irregular or reckless manner such as zig-zagging, stunting, speeding or otherwise so as to disregard the safety of the operations or others.

75.13 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 manner as to afford the least obstruction to pedestrian traffic.

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

1. Night-time Use. Every bicycle when in use at night-time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

2. Signal Device Required. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

3. 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.

75.15 SCHEDULED FINE. The scheduled fine for bicyclists violating these regulations is twenty-five dollars (\$25.00). (Code of Iowa, Sec. 805.8A (9))

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: BICYCLES

CHAPTER 76
LICENSING

- 76.01 License Required
- 76.02 License Plates or Decals
- 76.03 Maintenance of License Records

76.01 LICENSE REQUIRED. No person who resides within the City shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycles has been licensed and a license plate or decal is attached thereto as provided herein. (Code of Iowa, Sec. 321.236 [10])

1. License Application. Application for a bicycle license and license plate or decal shall be made upon a form provided by the City and shall be **made** to the City Clerk. A license fee of one dollar (\$1.00) shall be paid to the City before each license is granted.

2. Issuance of license. The City Clerk upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective immediately. (Code of Iowa, Sec. 372.13 [4])

3. Transfer of License. Upon the sale or other transfer of ownership of a licenses bicycle the license shall be transferred to the new owner and the records of the City changed to reflect the new ownership upon request and the payment of a transfer fee in the amount of one dollar (\$1.00). (Code of Iowa, Sec. 321.236 [10])

4. License Valid. Any license issued hereunder shall expire as of the 31st day of December of each year.

76.02 LICENSE PLATES OR DECALS. License plates or decals are required as follows:

1. Issued. The City Clerk, upon issuing a bicycle license, shall also issue a license plate or decal bearing the license number assigned to the bicycle and the name of the City.

2. Attached to Bicycle. The owner shall cause such license plate or decal to be firmly attached to the bicycle for which issues in such position as to be plainly seen from the rear.

3. Removal. No person shall remove a license plate or decal

from a bicycle during the period for which issued unless said bicycle is dismantled and no longer operated upon any street in the City.

4. Lost License. In the event of a license plate or decal shall be lost, destroyed or stolen, the owner shall report such to the City Clerk immediately. A new license shall be issues upon payment of a fee of one dollar (\$1.00)

76.03 MAINTENANCE OF LICENSE RECORDS. The City Clerk shall keep a record of the number of each license, the date issues, and the name and address of the person to whom issued, and the number on the frame of the bicycle for which issued, and a record of all bicycle license fees collected.

Chapters 77-85 are reserved for future use.

TITLE II - COMMUNITY PROTECTION
DIVISION 2 - ENFORCEMENT: ANIMAL PROTECTION AND CONTROL

CHAPTER 85
GENERAL PROVISIONS

- 85.01 Definitions
- 85.02 Cruelty to Animals
- 85.03 Abandonment
- 85.04 Exhibitions and Fights
- 85.05 Injuries to Animals
- 85.06 Animals Running at Large
- 85.07 Farm Animals
- 85.08 Damage or Interference
- 85.09 Annoyance or Disturbance
- 85.10 Vicious Animals
- 85.11 Summons Issued
- 85.12 Right to Kill Unvaccinated Dogs and cats
- 85.13 Right to Kill Vaccinated Dogs and Cats
- 85.14 Disposal of Animals
- 85.15 Owner's Duty
- 85.16 Confinement
- 85.17 Dogs in Season (Repealed)
- 85.18 Impounding
- 85.19 Violations-Penalty
- 85.20 Number of Animals
- 85.21 Dog Pens
- 85.22 Collection of Animal Waste
- 85.23 Vaccination for Rabies

85.01 DEFINITIONS. The following terms are defined for use in the chapters of this Code of Ordinance pertaining to Animal Protection and Control:

1. "Animal": shall mean all living creatures not human.
2. "At large": shall mean any animal found off the premises of the animal's owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
3. "Owner": shall mean any person owning, keeping, sheltering or harboring an animal.
4. "Domestic Animal" shall mean any living creature possessed or kept or sheltered by an owner as a pet.
5. "Vicious Animal": shall mean any animal, that has

attacked or bitten any person without provocation, or any animal that has exhibited vicious propensities in present or past conduct, (a) did bite once causing severe injuries, including but not limited to, muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery; (b) could not be controlled or restrained by the owner at the time of the bite to prevent the occurrence; or (c) has attacked or bitten any domestic animal on two separate occasions within a twelve-month period; or (d) which has been found by the city council, after hearing to possess such propensity. The term "vicious animal" shall not include animals in the following circumstances: (a) animals under the control of law enforcement or a military agency; or (b) guard dogs that are kept within a structure or fixed enclosure at all times. Guard dogs that are found at large may be processed provided for in this code. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog", "vicious dog" or words of similar import, and the owner of such premises shall inform the chief of police that a guard dog is on duty at such premises.

6. "Exotic Animal": shall mean any animal of a wild, fierce, or predatory nature, and which because of its size, vicious nature, origin outside of the United States, or other characteristics would constitute a danger to human life or property. This includes, but is not limited to non-human primates; large felines, non-domesticated canids; bears, poisonous reptiles, etc.

85.02 CRUELTY TO ANIMALS. No person who impounds or confines, in any place, any domestic animal, shall fail to supply such animal during confinement with a sufficient quantity of food and water, or shall fail to provide the said animal with adequate shelter, or shall torture, torment, mutilate, overdrive, overload, drive when overloaded, beat, or kill any such animal by any means which causes unjustified pain, distress or suffering, whether intentionally or negligently. (Code of Iowa, Sec. 717.1A and 717.2)

85.03 ABANDONMENT. A person who has ownership of a domestic animal shall not abandon said animal, except the person may deliver the animal to another person who will accept ownership and custody or the person may deliver the animal to an animal shelter or pound. (Code of Iowa, Sec. 717B.8)

85.04 EXHIBITIONS AND FIGHTS. No person shall arrange, promote, or stage an exhibition at which any animal is tormented, or any fight between animals or between a person and an animal or shall keep a place where such exhibitions and fights are staged for the entertainment of spectators.

85.05 INJURIES TO ANIMALS. No person, having no right to do so, shall maliciously kill, maim, or disfigure any animal of another, or maliciously administer poison to any such animal, or expose any poisonous substance with the intent that the same should be taken by any such animal. (Code of Iowa, Sec. 717.1A)

85.06 ANIMALS RUNNING AT LARGE. It shall be unlawful for any owner to allow domestic animals to run at large within the corporate limits of the City. Any animals running at large may be impounded.

85.07 FARM ANIMALS

1. Permit Required. It shall be unlawful for a person to keep within the corporate limited of the City of Albia, those animals normally associated with farm animals, including but not limited to the following classes of animals:

- a. Artiodactyla, which includes all members of the families Suida (swine) and Bovidae (cattle, sheep and goats);
- b. Perissodactyla, which includes all members of the family Equidae (horses, ponies, asses and mules);
- c. Anseriforms, which includes ducks and geese;
- d. Carnivoras, which includes mink and skunks;
- e. Columiformes, which includes hawks and falcons; and,
- f. Galliformes, which includes chicks, turkey and fowl-like birds; without first obtaining a permit to do so from the Chief of Police, which permit shall be issued only after inspection of the premises and assurance that all requirements of this chapter have been met.
- g. Apis Melifra (Honey Bees)

2. Application for Permit. Any person desiring a permit under this chapter shall make written application therefore to the Chief of Police upon a form prepared by the City. Said application shall describe the real estate upon which the permit is to be issued and certify that the landowner has a minimum of four (4) acres in which to keep said animals. The applicant will also certify type and number of animals to be kept on said real estate and shall include such other information the City deems appropriate to require. Said application will contain a statement by the applicant that he/she

will "at all times keep such animals in accordance with all conditions prescribed by State law and this ordinance and failure to obey such conditions shall be a violation of this chapter and shall be cause for revocation of the permit." Except between family members, said permits may not be sold, assigned or transferred and shall apply only to the premises designated and the person, firm, association or corporation to whom issued only. A violation of the transfer provisions shall be cause for revocation of any such permit.

3. Application Fee. All application received on or before January 31, 2009, shall be accepted without a fee. All application received after that date must include a fee for the initial issue of a permit for the keeping of farm animals in the amount of \$65.00 and shall not be refundable if the permit is denied or revoked, or if the farm animals are removed or die, All permits issued are valid for a period of one (1) year and may be renewed for a period of one year without payment of any additional fee.

4. Inspection Clause. By making application for a permit under the provisions of this chapter, the Applicant is granting express permission for the City, through its designee, to inspect the premises for which the permit will be issued to ensure compliance with all provisions of this chapter. Further, the right of inspection to ensure compliance with the provisions of this chapter shall remain with the City as long as the permit is in operation. The right of inspection shall also include the right to ensure removal of animals if required under the provisions of this chapter. The inspector will give the owner the opportunity to be present and will observe appropriate bio-security to protect the health of the animals.

5. Revocation of Permit

a. Every permit shall be subject to revocation for any violation of the provisions of this chapter or any other pertinent ordinance of the city, or any statute or regulation of the State of Iowa pertaining hereto. Notice of such revocation shall be given in writing, delivered personally or by regular mail to the holder of such permit. The notice shall state the grounds upon which the permit has been revoked and shall state that the holder of the permit is required to remove all farm animals from the premises concerned within fifteen (15) days after receipt of notice of revocation. The notice shall also inform the permit holder of the right to appeal such revocation.

b. Grounds for revocation

1. Violations of City ordinance, or any statute or regulation of the State of Iowa pertaining to the keeping or confinement of farm animals;
2. Violation of the fencing requirements of this chapter;
3. Violation of the distance from dwelling requirements of this chapter;
4. Violation of the density of animals provisions of this chapter; and,
5. The keeping of bothersome animals, which by their actions, are disrupting the peace and good order of the community.

6. Appeal of Revocation. The City Council may hear and determine any matter pertaining to the issuance or revocation of a permit, as herein provided, upon application or request to do so by the applicant or license holder. An appeal under this chapter shall be filed with the city clerk in writing within fifteen (15) days of the denial or revocation of a permit.

7. Removal of Animals. If animals or fowl are found being kept without a permit having been issued, the City shall be authorized to immediately impound the animals or fowl. The owner of the impounded animals or fowl shall be responsible for all impound and boarding fees. In the event of the revocation of any permit, as herein provided, the holder of such permit shall remove all animals or fowl from the premises concerned within fifteen (15) days after receipt of notice or revocation. Application can be made to the City Council to extend the time for removal for an additional ten (10) days making a total time for removal of 25 days.

8. Land Requirements

- a. The applicant must have a minimum of four acres on which such animals could be placed and said land must abut or include land currently part of Monroe County;
- b. Applicants may include all property on which the animals will be kept whether that property be within the corporate limits of the City of Albia or in Monroe County as long as the land enclosing the animals is adjoining land;

9. Fence Required. Any person keeping farm animals within the City shall keep the premises upon which the same are kept fenced in accordance with state law to restrain such animals from being or running at large.

10. Distance from Dwellings

a. No person within the City of Albia shall keep any farm animals within one hundred fifty (150) feet from any occupied dwelling, other than the dwelling of the owner of such animals.

b. If the owner of the farm animals is able to obtain the written consent of the owner and occupant of dwelling, the 150 foot requirement may be waived as to that dwelling but still may not be any closer than 75 feet from that dwelling.

c. Permission to be closer than the 150 foot requirement, once obtained, continues to run with the land.

11. Numbers Limited

a. Persons keeping those classes of animals known as Artiodactyla, which includes all members of the families Suida (swine) and Bovidae (cattle, sheep and goats) and Perissodactyla, which includes all members of the family Equidae (horses, ponies, asses and mules), shall be limited in density to a maximum of two per acre. The number of animals will be determined by the size of the enclosure whether the land be located on city or county property.

b. The purpose of this density provision is to set the total number of animals an owner can have based on the size of their available land. It is not intended to prevent the enclosing of animals for specific agricultural purposes such as feeding or veterinary services.

12. Exemptions

a. The provisions of this Chapter shall not apply to circuses, carnivals, agricultural shows or exhibits and other such enterprises which are operated only for a limited period of time and intermittently.

b. Concerning the classes of animals known as Artiodactyla, which includes all members of the families Suidae (swine) and Bovidae (cattle, sheep and goats) and Perissodactyla, which includes all members of the family Equidae (horses, ponies, asses and mules); As long as the density provisions of this chapter are followed, the limitations on the number of outdoor animals as set forth in Chapter 85.30 of the City Code shall not apply.

c. The keeping of bees will be governed by the following requirement notwithstanding the other requirements of this ordinance.

Hives may be located only on lots with residential use
No more than three (3) hives may be located on a lot
No hive shall exceed 15 cubic feet in volume
No hive closer than 25 feet from any property line
No hive closer than 10 feet from public sidewalk or 25 feet from a principal building on an abutting lot.
A constant supply of water shall be provided to hives

13. Penalty. Any person or legal entity found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of the City Code. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction.

85.08 DAMAGE OR INTERFERENCE. It shall be 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.

85.09 ANNOYANCE OR DISTURBANCE. It shall be unlawful for the owner of a domestic animal to allow or permit such animal to cause serious annoyance or disturbance or any person or persons by frequent and habitual emitting of sound or otherwise; or, by running after or chasing persons, bicycles, automobiles, or other vehicles.

85.10 VICIOUS ANIMALS. It shall be unlawful for any person to harbor or keep within the City a vicious or exotic animal as this term is defined in this code.

85.11 SUMMONS ISSUED. The owner of any domestic animal shall be issued a summons to appear before a proper court to answer charges of permitting such animal to be at large in violation of

this chapter.

85.12 RIGHT TO KILL UNVACCINATED DOGS AND CATS. It shall be lawful for any person, and the duty of all peace officers within their jurisdictions, unless such jurisdiction shall have otherwise have provided for seizure and impoundment of domestic animals, to kill any dog or cat for which a vaccination is required, when such dog or cat is not wearing a collar with vaccination tag attached as herein provided. (Code of Iowa, Sec. 351.26)

85.13 RIGHT TO KILL VACCINATED DOGS AND CATS. It shall be lawful for any person to kill a dog or cat wearing a collar with a vaccination tag attached, when such dog is caught in the act of worrying, chasing, maiming, or killing any domestic animal or when such dog or cat is attacking or attempting to bite a person. (Code of Iowa, Sec. 351.27)

85.14 DISPOSAL OF OTHER ANIMALS. If the owner of any animal apprehended cannot be located after a reasonable effort by local authorities such animals may be humanely destroyed otherwise disposed of in accordance with the law.

85.15 OWNER'S DUTY. It shall be the duty of the owner of any domestic 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 shall be the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies. (Code of Iowa, Sec. 351.38)

85.16 CONFINEMENT. When a local board of health receives information that any person has been bitten by an animal or that an animal is suspected of having rabies, it shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after two weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. (Code of Iowa, Sec. 351.39)

85.17 DOGS IN SEASON. (REPEALED).

85.18 IMPOUNDING.

1. Any unvaccinated dog or cat or any vaccinated dog or cat found at large in violation of section 85.06 shall be seized and impounded. At the discretion of the chief of police, the owner may be served a summons to appear before a proper court to answer

charges made.

2. Owners of unvaccinated dogs or cats shall be notified within two days of impoundment that, upon payment of impounding fees of fifty dollars plus payment for room and board, the dog or cat will be returned. If the impounded dog or cat is not recovered by its owner within seven days after notice, then the dog or cat becomes the property of the facility. Said facility may then undertake disposal of the animal through humane methods or transfer the animal to a home through sale or adoption of the animal. This provision shall not apply if the dog or cat is confined pursuant to Sec. 351.39 and 351.40 of the Iowa Code.

3. Impounded unvaccinated dogs or cats may be recovered by the owner, upon proper identification, by payment of the impounding fee, vaccination costs and boarding costs. If such dogs or cats are not claimed within seven days, they become the property of the facility. Said facility may then undertake disposal of the animal through humane methods or transfer the animal to a home through sale or adoption of the animal. This provision shall not apply if the dog or cat is confined pursuant to Sec. 351.39 and Sec. 315.40 of the Iowa Code.

4. All notices to owners shall be by ordinary mail to the last known address of such owner.

85.19 VIOLATIONS-PENALTY. Any owner violating any of the provisions of this chapter, upon conviction, shall be guilty of a simple misdemeanor.

85.20 NUMBER OF ANIMALS. It shall be unlawful for any person within the corporate limits of the City to own, keep, or harbor outdoors more than six (6) mature domestic animals. The offspring of said mature domestic animals may be kept up to six months of age without violating this ordinance, so long as the presence of such offspring do not constitute a violation of any other city ordinance. This provision does not apply to proprietors of animal hospitals and veterinarians when such animals are kept upon such premises and used by such business.

85.21 ANIMAL PENS. Outdoor animal pens shall be located thirty-five (35) feet from any dwelling other than the person owning or controlling the animal. The number of pens shall be limited to six (6). The total pen area shall not exceed 760 square feet. This numerical and size limit does not apply to veterinarians and proprietors of animal hospitals or the animal breeders or kennel operators who hold valid licenses from the State of Iowa for breeding or kennel operations when such animals are kept upon such

premises ad used by such business. It shall be unlawful for any person keeping or harboring such animal to:

1. Fail to keep the premises where such animals are kept free from offensive odors that are disturbing to any person residing within reasonable proximity to said premises.

2. Allow the premises where animals are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises.

3. Allow the animals or premises where animals are kept to become infested with ticks, fleas, or other vermin, by failing to diligently and systematically apply accepted methods of insect and parasite control.

4. Allow pens to become a public nuisance.

85.22 COLLECTION OF ANIMAL WASTE. The owner or person controlling an animal shall not allow that animal to deposit animal waste on property other than that of the owner or controller of the animal. In the event an animal deposits feces or waste on property other than that owned by the owner or controller of the animal, the owner or controller of the animal shall collect the animal waste and dispose of it in a sanitary manner.

85.23 VACCINATION FOR RABIES. Every owner of a cat or dog shall obtain a rabies vaccination for such animal. It shall be unlawful for any person to own or have a cat or dog in the person's possession, six months of age or over, which has not been vaccinated against rabies. Cats and dogs kept in licensed kennels and not allowed to run at large shall not be subject to these vaccination requirements. (Sec 351.33, Code of Iowa)

CHAPTER 85A
PIT BULL DOGS

85A.01 Definitions

85A.02 Keeping of Pit Bulls

85A.03 Violations and Penalties

85A.01 DEFINITIONS. "Pit bull dog" is defined to mean:

- (1) The bull terrier breed of dog;
- (2) The Staffordshire bull terrier breed of dog;
- (3) The American pit bull terrier breed of dog;
- (4) The American Staffordshire terrier breed of dog;
- (5) Dogs of mixed breed or of other breeds than above listed which breed mixed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;
- (6) Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire terrier, American bull terrier, American Staffordshire terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers or a combination of any of these breeds.

85A.02 KEEPING OF PIT BULLS. All pit bull dogs, as that term is defined in Section 85A.01, shall be tagged as provided in Section 351.25, Code of Iowa within thirty days after the effective date of this ordinance. The keeping of tagged pit bull dogs, as that term is defined in Section 85A.01 shall be subject to the following standards:

1. Leash and muzzle. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

2. Confinement. All tagged pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided above. Such pen, kennel or structure must have secure sides and a 85.23 Vaccination for Rabies secure top attached to the sides. All structures used to confine tagged pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than

two feet. All structures erected to house pit bull 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.

3. Signs. All owners, keepers, or harborers of tagged pit bull dogs within the city shall within ten (10) days of the effective date of this chapter display in a prominent place on their premises a sign easily readable by the public using the words "beware of dog".

4. Insurance. All owners, keepers or harborers of tagged pit bull dogs must, within ten (10) days of the effective date of the ordinance codified in this chapter, provide proof to the city clerk of public liability insurance in a single incident amount of fifty thousand (\$50,000) for bodily injury to or death of any person or persons or for damages to property owned by any person or persons or for damages to property owned by any persons may result from ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the city clerk.

5. Reporting Requirements. All owners, keepers or harborers of tagged pit bull dogs must, within ten (10) days of the incident, report in writing to the city clerk if a tagged pit bull dog bites another domestic animal or person.

6. Irrebuttable Presumptions. There shall be an irrebuttable presumption that tagged pit bull dog or any of those breeds defined in section 85A.01 is in fact a dog subject to the requirements of this chapter.

7. Failure to Comply. It is unlawful for the owner, keeper or harborer of a tagged pit bull dog to fail to comply with the requirements and conditions set forth in this chapter. Any dog found to be the subject of a violation of this chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply may result in the immediate removal of the animal from the city.

85A.03 VIOLATIONS AND PENALTIES. Any persons violating or permitting the violation of any provision of this chapter shall upon conviction in magistrate court shall be guilty of a simple misdemeanor. In addition, the court shall order the dog removed from the city. Should the defendant refuse to remove the dog from the city the magistrate shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal.

Each day that a violation of this chapter continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter.

Chapters 86-87 are reserved for future use.

TITLE II - COMMUNITY PROTECTION
CHAPTER 88
INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 88.01. The International Property Maintenance Code is hereby adopted as the property maintenance code of the City of Albia, Monroe County, Iowa. Said nationally recognized standard code is hereby adopted by reference pursuant to the provisions of Sec. 380.10, Code of Iowa (2005).

Sec. 88.02. The name of the jurisdiction in Sec. 101.1 of the International Property Maintenance Code shall be the City of Albia, Monroe County, Iowa.

Sec. 88.03. The applicable rate schedule shall be:

- a. Registration fee \$10.00
- b. Single Family Residence Inspection fee \$50.00
- c. Multi-family structure Inspection fee \$50.00 + \$10.00 for each unit above 1

Sec. 88.04. The dates stated in Sec. 3.03.14 of the International Property Maintenance Code shall be April 1 to October 1.

Sec. 88.05. The dates in Sec. 602.3 of the International Property Maintenance Code shall be September 1 to October 30.

Sec. 88.06. The dates in Sec. 602.4 of the International Property Maintenance Code shall be September 1 to April 1.

Sec. 88.07. The Chief Appointing Authority shall be the Mayor of the City of Albia, Iowa. All appointments shall be subject to the approval by a majority of the City Council.

Sec. 88.08. All rules and regulations under the International Property Maintenance Code shall be enacted by Ordinance in accordance with the Albia City Code and Iowa law.

Section 88.09 ENFORCEMENT

1. Authority. The City Building Inspector is hereby authorized to administer and enforce the provisions of the Housing Code. The Inspector shall make inspections to determine the condition of all dwellings, dwelling units, rooming units, structures and premises located within Albia, Iowa. The purpose shall be to safeguard the health, safety and welfare of the

occupants in dwellings and the general public under the provisions of this Code.

2. Access and Inspections. The City Building Inspector shall have the right to enter any dwelling unit at reasonable times in order to make inspections:

- a. At the time of the issuance of a rental permit.
- b. Upon request of the Owner, Authorized Agent, Operator or Occupant.
- c. Change of tenant, unless it's been inspected in the previous twelve (12) months.
- d. Upon probable cause that a violation exists.
- e. Upon the sale or transfer of a dwelling(s), dwelling unit(s), rooming unit(s), structure(s) and premises located within Albia, Iowa

3. Citizen complaints. A person may file a complaint concerning Housing Code violations upon the payment of a \$60.00 filing fee. If the complaint is sustained, the Owner, Authorized Agent, Operator or Occupant shall pay a \$10.00 registration fee and a \$50.00 inspection fee and the filing fee shall be refunded to the complainant. If the complaint is not sustained, the \$60.00 filing fee will not be refunded.

4. Service of Notice. Whenever the City Building inspector determines that there has been a violation of any provision of the Housing Code, the City Building Inspector shall give a written notice of such violation to the Owner or Authorized Agent and Occupant. The notice shall include:

- a. A sufficient detailed description of the violation, including the section of the Housing Code violated.
- b. Allow a period of time not less than four (4) days, nor more than sixty (60) days for the performance of any act required to abate the violation.
- c. Include an outline of remedial action which, if taken, will effect compliance with the provisions of the Housing Code
- d. Be served upon the Owner or Authorized Agent and Occupant by certified mail to their last known addresses or by personal service.

5. Emergency Orders. Whenever the City Building Inspector finds that a condition exists which requires immediate action to protect the health or safety of the occupants and or the general public, the City Building Inspector may without notice or hearing, issue an order citing the existence of such a condition and requiring that action be taken such as the City Building Inspector may deem necessary to abate the condition. If necessary, the City Building Inspector may order that the premises be vacated forthwith and not be reoccupied until there has been compliance with the order to make repairs. Notwithstanding other provisions of the Housing Code, such order shall be effective immediately, or in the time and manner prescribed by the order itself.

6. Penalty. Failure to comply with the requirements set forth in the notice shall be considered a violation of the Albia City Code and may be prosecuted either as a misdemeanor or a civil violation. Each day of noncompliance with the requirements set forth in the notice shall be deemed a separate and distinct offense.

Section 88.10 BOARD OF REVIEW

1. Board of Review. To hear appeals there is established a Board of Review consisting of five (5) members none of whom shall be full-time employees of the City. One (1) member shall be a landlord and one a realtor. The Mayor shall designate a secretary to the board. The Mayor with the approval of the City Council shall appoint the board. Upon the effective date of this subsection, one member- shall be appointed to one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years. Thereafter each replacement member shall serve for five years. Members will serve without compensation.

2. Appeals. Any person affected by any action taken by the City Building inspector, but not limited to the following notices, or any persons wishing to submit any petition, but not limited to the following petitions, may appeal such action to the Board of Review. If the Board of Review sustains or modifies the remedial action required by the City Building Inspector, it shall be deemed to be an order and the Owner, Authorized Agent, Operator or Occupant, as the case may be, shall comply with all provisions of such order within the period of time determined by the Board of Review.

3. Board of Review Procedure.

a. Applications for hearings shall be filed in writing with the City Clerk within ten (10) days from the date of any notice given by the City Building Inspector.

b. The City Clerk, upon receipt of an appeal request, shall set a time and place for the hearing. The applicant shall be advised, in writing by certified mail, of such time and place, at least seven (7) days prior to the date of the hearing.

c. At such a hearing, the applicant shall have an opportunity to be heard and to show cause as to why such notice or order should be modified, extended, revoked or why a variance should be granted.

d. The Board of Review, by a majority vote, may sustain, modify, extend or revoke a notice, or grant or deny a variance.

e. The Board of Review may grant extensions of time to make repairs.

Section 88.11 RENTAL PERMITS

1. Permit Required. It shall be a violation for any person, owner, authorized agent or operator not holding a valid rental permit to let to another for rent or occupancy any dwelling, dwelling unit, duplex, multiple rooming unit or house used for residential purposes.

2. Authorized Agent. Any person owning rental residential property in the Albia, Iowa shall provide in writing, the name, local business address, and telephone number, of an Authorized Agent. The name, local business address and telephone number of such Authorized Agent shall be provided at the time of filing application for rental permit or within thirty (30) days from the effective date of this ordinance, whichever shall occur first. A person who becomes a title holder or contract purchaser of rental residential property shall provide the information required in this subsection within thirty (30) days from the date of transfer or date of the contract. The term "local business address" as used in this section shall refer to an address within Monroe County, Iowa.

3. Application and Issuance of Permit. The Owner, Authorized Agent or Operator shall file an application for a rental permit with the Housing Inspector. A separate permit shall be required for each Single Family dwelling unit. An initial \$10.00 registration fee shall be required for each dwelling in addition to inspection

fees. For dwellings, the initial inspection fee shall be \$50.00 and \$10.00 for additional units. When the Owner, Authorized Agent or Operator has complied with all provisions of the Housing Code, the Housing Inspector shall issue a rental permit upon payment of the fee. For single units and renewals the amount of said fee shall be \$50.00 per unit. The permit shall be transferable from one Owner or Operator to another at any time prior to its expiration, termination or revocation. The Owner or Operator shall notify the Housing Inspector of any change of interest or ownership in the property within thirty (30) days of any conveyance or transfer of interest affecting the property and provide the name and address of all persons who have acquired an interest therein. The rental permit shall state the date of issuance, the address of the structure to which it is applicable, address of the Owner, Operator or Authorized Agent to which it is applicable, the number of occupants allowable, and its expiration date. All dwelling units and rooming units being rented and/or occupied without a valid permit or application on file with the City.

4. Terms. Rental permits shall be valid for two (2) years from the date of issuance. No permit is required upon a change of tenancies if the unit has been inspected in the previous twelve-(12) months.

5. Revocation. The City Building Inspector may upon the occurrence of a violation of the Housing Code revoke a rental permit. If an appeal is filed, the Board of Review shall consider the revocation of a rental permit and shall set a date, time and place of hearing thereon. The hearing shall be conducted and the Owner or Authorized Agent shall be notified of the date, place and time of hearing in accordance with the provisions of the Housing Code.

6. Denial of Permit. Any person whose application for a rental permit has been denied, may appeal the matter to the Board of Review in accordance with the provisions of the Housing Code.

7. Federally Funded Housing. Federally funded housing, Section 8 existing voucher program and public housing units shall be exempt from registration and inspection fees, providing documentation of inspections is provided to the Housing Inspector on a bi-annual basis. If a unit no longer qualifies for federal funded assistance the organization or authorized agent shall notify the City of Albia Housing Inspector.

8. Enforcement. Failure to comply with the requirements of Section 88.11 of this Chapter will result in a civil infraction punishable under the terms of this chapter. A civil citation may be

issued by law enforcement personnel or by the Housing Inspector. Punishments for such violations are as follows:

- a. First Offense: \$500 civil penalty.
- b. Second Offense: \$1000. Civil penalty and denial of a rental permit for the particular property for a period of 30 days.
- c. Third Offense: \$1000 civil penalty and denial rental permit or the particular property for a period of 180 days.

Chapter 89 is reserved for future use.

TITLE III - PUBLIC SERVICES
CHAPTER 90
UTILITY BOARD OF TRUSTEES

- 90.01 Purpose
- 90.02 Board Established
- 90.03 Appointment of Trustees
- 90.04 Compensation
- 90.05 Vacancies
- 90.06 Powers and Duties of the Board
- 90.07 Control of Funds
- 90.08 Accounting
- 90.09 Discriminatory Rates Illegal
- 90.10 Discontinuance of Board
- 90.11 Collection of Solid Waste Fee

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

90.02 BOARD ESTABLISHED. Pursuant to an election held March 29, 1937, the management and control of the municipally owned waterworks was placed in the hands of a board of trustees. (Code of Iowa, Sec. 388.2)

90.03 APPOINTMENT OF TRUSTEES. The Mayor shall appoint, subject to the approval of the Council, three (3) persons to serve as trustees for staggered six (6) year terms. Appointee shall have water service with the Albia Municipal Water. No public officer or salaried employee of the City may serve on a utility board. (Code of Iowa, Sec. 388.3)

90.04 COMPENSATION. The Council shall by resolution set the compensation of board members. (Code of Iowa, Sec. 388.3)

90.05 VACANCIES. An appointment to fill a vacancy on the board of trustees shall be made in the same manner as an original appointment except that such appointment shall be for the balance of the unexpired term. (Code of Iowa, Sec. 388.3)

90.06 POWERS AND DUTIES OF THE BOARD. The board of trustees may exercise all powers of the City in relation to the City utility, City utilities, or combined utility system it administers, with the following exceptions(Code of Iowa, Sec. 388.4):

1. Taxes, ordinances and bonds. A board may not certify taxes to be levied, pass ordinances or amendments, or issues general obligation or special assessment bonds. (Code of Iowa, Sec.

388.4[1])

2. Property. Title to all property must be in the name of the City but the board has full control of such property subject to limitation imposed by law. (Code of Iowa, Sec. 388.4[2])

3. Reports to Council. The board shall make a detailed annual report to the Council including a complete financial statement. (Code of Iowa, Sec. 388.4[4])

4. Proceedings Published. Immediately following a regular or special meeting, the board secretary shall prepare and cause to be published in a newspaper of general circulation in the City a condensed statement of proceedings including a list of all claims. (Code of Iowa, Sec. 388.4[4])

90.07 CONTROL OF FUNDS. The board shall control tax revenues allocated to is as well as all monies derived from operations.(Code of Iowa, Sec. 388.5)

90.08 ACCOUNTING. Utility moneys must be held in a separate utility fund, with a separate account or accounts for each utility or combined utility system. (Code of Iowa, Sec. 388.5)

90.09 DISCRIMINATORY RATES ILLEGAL. A utility may not provide use or service at a discriminatory rate, except to the City or its agencies, as provided in Section 384.91, Code of Iowa. (Code of Iowa, Sec. 388.6)

90.10 DISCONTINUANCE OF BOARD. A proposal, on motion of the Council or upon receipt of a valid petition, to discontinue a utility board is subject to the approval of the voters of the City, except that a board may be discontinued by resolution of the Council when the City utility, City utilities, or combined utility system it administers is disposed of or leased for a period of over five (5) years. (Code of Iowa, Sec. 388.2)

90.11 COLLECTION OF SOLID WASTE FEE. The board shall be authorized on behalf of the City at the request of the Council, to collect a fee for solid waste disposal services. After collection, such fees are to be dispersed by the board to the Clerk. The board may request that the City reimburse the board an administrative expense for collections of such a fee.

Chapters 91-94 is reserved for future use.

TITLE III - PUBLIC SERVICES
SANITARY SEWERS

CHAPTER 95
GENERAL PROVISIONS

- 95.01 Purpose
- 95.02 Definitions
- 95.03 Superintendent
- 95.04 Prohibited Acts
- 95.05 Sewer Connection Required
- 95.06 Service outside the City
- 95.07 Right of Entry
- 95.08 Owners 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 indicated otherwise, the following terms are defined:

1. "B.O.D." (denoting Biochemical Oxygen Demand): shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter or parts per million.

2. "Building Drain": shall mean that part of the lowest horizontal piping of a drainage system which received the discharge from soil, waste, and other drainage piped inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

3. "Building Sewer": shall mean the extension from the building drain to the public sewer or other place of disposal.

4. "Combined Sewer": shall mean a sewer receiving both surface run-off and sewage.

5. "Contributor": shall mean any person responsible for the production of domestic, commercial, or industrial waste which is directly or indirectly discharged into the public sewer system.

6. "Garbage": shall mean solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

7. "Industrial Wastes": shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

8. "Inspector": shall mean the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.

9. "Natural Outlet": shall mean any outlet into the watercourse, pond, ditch, lake, or other body of surface or groundwater.

10. "PH": shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

11. "Private Sewer System": shall mean a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than sixteen (16) individuals on a continuous basis.

12. "Properly Shredded Garbage": shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one half ($\frac{1}{2}$) inch (1.27 centimeters) in any dimension.

13. "Public Sewer": shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

14. "Sanitary Sewage": shall mean a sewer which carries sewage and to which storm, surface, and surface water, and industrial waste.

15. "Sanitary Sewage": shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

16. "Semi-Public Sewage Disposal System": Shall mean a system for the treatment of 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.

17. "Sewage": shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

18. "Sewage Treatment Plant": Shall mean any arrangement of devices and structures used for treating sewage.

19. "Sewage Works" or "Sewage System": shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

20. "Sewer": shall mean a pipe or conduit for carrying sewage.

21. "Sewer Rental": shall mean any and all charges, rates, fees, or rentals levied against and payable by contributors, as consideration for the servicing of said contributors by said sewer system.

22. "Slug": shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

23. "Storm Drain" or "Storm Sewer": shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

24. "Superintendent": shall mean the superintendent of sewage works and/pr of water pollution control of the City or any authorized deputy, agent, or representative.

25. "Suspended Solids": shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

26. "Watercourse": shall mean a channel in which a flow of water occurs, either continuously or intermittently.

27. Surface Water: any surface flow, runoff and drainage consisting of entirely of water from any form of natural precipitation and resulting from such participation including, but

not limited to: any storm water, ground water, roof runoff, and subsurface drainage, cooling waters or unpolluted industrial process waste.

95.03 SUPERINTENDENT. The superintendent of the City sewage system shall be appointed by the Council and exercise the following powers and duties: (Code of Iowa, Sec. 372.13 [4])

1. Operation and Maintenance. Operate and maintain the City sewage system.

2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewers chapters.

3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

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

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the sewer system. (Code of Iowa, Sec. 716.1)

2. Downspouts. Connect a roof downspout, **sump pump**, exterior foundation drain, area-way drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

3. Manholes. Open or enter any manhole of the sewer system, except by authority of the superintendent.

4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tan, 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 thirty (30) 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 (45.8 meters) of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer. (Code of Iowa Sec 364.12(3)(f))

95.06 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council. (Code of Iowa, Sec. 364.4 [2 & 3])

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

95.08 OWNERS LIABILITY LIMITED. While performing the necessary work on private property, the superintendent 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 rowing out of any gauging and sampling operation, except as such may be because by negligence or failure of the owner or occupant to maintain safe conditions.

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

95.10 SPECIAL PENALTIES. The following special penalty provisions shall apply to violation 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 guilty of a simple misdemeanor. Each day in which such violation shall continue shall be deemed a separate offense.

3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

4. Any violator of Section 95.04(2) of this code who does not correct the problem within the time allowed for correction pursuant to section 95.10(1) is found and declared to be injurious to public health, safety and welfare and is declared and deemed a nuisance and may be abated at the violator's expense and a civil action to abate enjoin or otherwise compel the cessation of such nuisance may be taken to or to recoup the City's cost incurred for remediation thereof.

TITLE III - PUBLIC SERVICES
SANITARY SEWERS
CHAPTER 96
BUILDING SEWERS AND CONNECTIONS

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

96.01 PERMIT REQUIRED. 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 superintendent in accordance with the following:

1. Application. Any person desiring to make a connection with the sewer system shall first file with the City Clerk an application therefor, on blanks finished by the City, setting forth the location and description of the property to be connected with the sewer system and for what purpose the sewer is to be used.

2. Plans and Specifications. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

3. Classes of Permits. There shall be one class of building sewer permit covering all uses.

4. Permit Fee. The person who makes the application shall pay a fee of fifty dollars (\$50.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.

5. Limited Responsibility for Permit Revocation. All permits to connect with sewer shall be given upon the express conditions that the Council may at any time before the work is completed revoke and annul the same and no party interested shall have a right to claim damages in consequence of any such permits being revoked annulled.

96.02 PLUMBER REQUIRED. Any connection to a public sewer shall

be made by a plumber approved by the City. The superintendent 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 superintendent shall notify the plumber immediately for the suspending, and the time and place of the Council meeting at which the plumber will be granted 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.

96.03 EXCAVATIONS. All excavations for building sewer installations shall be made in accord with the following and with the provision of chapter 175 where applicable:

1. Barricades and Lighting. Adequate barricades and warning lights shall be so placed as to protect the public from hazard.

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. Construction Methods. 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 C12-19, except that no backfill shall be placed until the work has been inspected.

4. Restoration of Public Property. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City, at the expense of the property owner.

5. Completion by the City. Should any excavation in any street or alley be left open or unfinished for a period of twenty-four (24) hours or should the work be improperly done, the superintendent shall have the right to finish or correct such work and the expense shall be charged to the property owner.

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

1. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all

requirements of this chapter.

2. Separate Building Sewers. A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

3. Installation. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedure and materials must be approved by the superintendent before installation.

4. Water Lines. When possible, building sewers should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer.

5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches.

6. Alignment and Grade. All building sewers shall be laid to a straight line and at a uniform grade of not less than the following:

- A. Four (4) inch lines: one-eighth ($1/8$) inch per foot.
- B. Six (6) inch lines: one-sixteenth ($1/16$) inch per foot.
- C. Minimum velocity: 2.00 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 superintendent 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 the cover above the sewer shall be sufficient to afford protection from frost.

8. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

9. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in the State or City plumbing code except that the building sewer pipe, from the property line to the public sewer, shall comply with one of the following requirements:

- A. Clay sewer pipe - A.S.T.M C 200-69 (extra strength)
- B. Extra heavy cast iron soil pipe - A.S.T.M. A74-69.
- C. Cast iron water pipe - A.S.T.M. A377-66.
- D. P.V.C. -DWV. A.S.T.M. D2665-68.
- E. Concrete sewer pipe - A.S.T.M. C14.
- F. Cast iron soil pipe with hot poured lead joints and caulked shall be required where the building sewer is exposed to damage by roots.

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 and subject to the approval of the superintendent subject to the following specific requirements.

- A. Clay sewer pipe- compression joints in accordance with A.S.T.M. C425-71.
- B. Cast iron soil pipe - A.S.T.M. A74-69.
- C. Cast iron water pipe - A.S.T.M 377-66.
- D. P.V.C.- A.S.T.M. D2665-68.

E. Concrete sewer pipe - A.S.T.M. C14-70.

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 danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

13. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

96.05 INTERCEPTORS REQUIRED. Grease, oil, sludge, and sand interceptors shall be provided in accordance with the following: filling stations, automobile wash racks, garages, and other facilities, when, in the opinion of the superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units.

1. Design and Location. All interceptors shall be of a type and capacity as provided by the Iowa Public Health Bulletin and State plumbing code, to be approved by the superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

2. Construction Standards. The intercepts shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers that shall be gas-tight and water-tight.

3. Maintenance. All interceptors of grease, oil, sludge,

and sand shall be maintained by the owner at the owner's expense in continuously efficient operations at all times.

96.06 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve (12) inches diameter or less and no properly located "Y" branch is available, the property owner shall at the owner's expense install a "Y" branch in the public sewer at the location specified by the City. Where the public sewer is greater than twelve (12) inches and no properly located "Y" branch is available, the building sewer shall receive the building sewer with entry in the downstream direction at an angle of approximately forty-five degrees (45). A forty-five degree (45) ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the private sewer at the point of connection shall be at the same, or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the City. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the superintendent and in accordance with the superintendent's direction if such connection is approved.

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

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

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

96.10 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice from the Council of such violation. If not made within such time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes. The City may immediately seek relief by filing a criminal or civil action for a violation of the City Code in the Iowa District Court.

TITLE III - PUBLIC SERVICES
SANITARY SEWERS
CHAPTER 97
USE OF PUBLIC SEWERS

- 97.01 Storm Water
- 97.02 Surface Waters Exception
- 97.03 Prohibited Discharge
- 97.04 Restricted Discharge
- 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 runoff, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent, to a storm sewer, combined sewer, or natural outlet.

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

97.03 PROHIBITED DISCHARGE. 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 substance 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, underground entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Excessive BOD, Solids or Flow. Any waters or wastes having (1) a five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or (2) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (3) having an average daily flow greater than two (2) percent of the average sewage flow of the City, shall be subject to the review of the superintendent. Where necessary in the opinion of the superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (2) reduce the suspended solids to three hundred fifty (350) parts pre million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposes preliminary treatment facilities shall be submitted for the approval of the superintendent and no construction of such facilities shall be commences until said approvals are obtained in writing.

97.04 RESTRICTED DISCHARGE. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect of the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).

2. Fats, 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. The installation and operation of any garbage grinder equipped with a motor of three fourths(3/4) horsepower (.076 hp metric) or greater shall be subject to the review and approval of the superintendent.

5. Acids. Any water or wastes containing strong acid iron pickling wastes, or concentrated plating solutions 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 exceed the limits established by the superintendent for such materials.

7. Odor or Taste. Any water or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits, which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies 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 superintendent in compliance with applicable state or federal regulations.

9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.

10. Unusual Wastes. Materials which exert or cause:

- A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
- B. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
- C. Unusual BOD, 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 water, 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 process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

97.05 RESTRICTED DISCHARGES - POWERS. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgement of the superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- 1. Rejection. Reject the wastes;
- 2. Pretreatment. Require pretreatment to an acceptable

condition for discharge to the public sewers;

3. Control 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 charged under the provisions of Chapter 99.

97.06 SPECIAL FACILITIES. If the superintendent permits the pretreatment of equalization of wastes flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or water, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

97.07 CONTROL MANHOLES. When required by the superintendent the owner of any property service 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 or facilitate observation, sampling, and measuring of the wastes. Such manhole, when required shall be accessible and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

97.08 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods 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 constituent 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 out falls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all out falls whereas pH's are determined from

periodic grab samples).

TITLE III - PUBLIC SERVICES
SANITARY SEWERS

CHAPTER 98
PRIVATE AND SEMI-PUBLIC SEWER SYSTEMS

- 98.01 When Prohibited
- 98.02 When Required
- 98.03 Compliance with State
- 98.04 Discharge to Natural Outlets Prohibited
- 98.05 Maintenance of Facilities
- 98.06 Additional Requirements Rules
- 98.07 Private Systems Abandoned
- 98.08 Disposal of waste

98.01 WHEN PROHIBITED. Except as otherwise provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.(Code of Iowa, Sec. 364.12[3f])

98.02 WHEN REQUIRED. Where a public sanitary or combined sewer is not available under the provision of Section 95.05, the building sewer shall be connected to a private or semi-public sewage system complying with the provision 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.

98.04 DISCHARGE TO NATURAL OUTLETS PROHIBITED. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

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.

98.08 DISPOSAL OF WASTE. It shall be unlawful for any person to place any effluent or waste for cesspools, septic tanks or privy vaults in any other location in the City except in such location as may be designated by the superintendent. The rate or charge for receiving such waste shall be determined by resolution of the Council.

TITLE III - PUBLIC SERVICES
SANITARY SEWERS
CHAPTER 99
SEWER USE CHARGE SYSTEM

- 99.01 Purpose
- 99.02 Definitions
- 99.03 User Charge System
- 99.04 Use Charge
- 99.05 Determination of Quantity Used
- 99.06 Payment of Bills
- 99.07 Liability
- 99.08 Nonpayment - Lien
- 99.09 Agreement Permitted
- 99.10 Review of Use Charge System
- 99.11 Notification of Rate

99.01 PURPOSE. The purpose of this chapter is to protect the health, safety, welfare and convenience of the City, to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works.

99.02 DEFINITIONS. For the purposes of this chapter, the following terms are defined.

1. "B.O.D." (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 (mg/l).

2. "Contributor" means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.

3. "Debt Retirement Fund" mean a separate fund consisting of the "Revenue Bond Sinking Account" and the "Revenue Bond Reserve Account."

4. "Extra strength users" means industrial-commercial contributors to the City's treatment works with waste greater than normal strength wastewater.

5. "Industrial-commercial user" means any contributor to the City's treatment works whose lot, parcel of real estate or building is used for other than domestic dwelling purposes.

6. "Industrial-commercial wastes" means wastewater than has a B.O.D. concentration of more than three hundred mg/l, a total suspended solids concentration of more than three hundred mg/l, an ammonia nitrogen content rate of more than thirty mg/l and a total Kjeldahl nitrogen concentration of more than fifty mg/l.

7. "Normal Domestic Wastewater" means wastewater that has a B.O.D. concentration of not more than three hundred mg/l, a total suspended solids concentration of not more than three hundred fifty mg/l, an ammonia nitrogen content rate of not more than thirty mg/l and a total Kjeldahl nitrogen concentration of not more than fifty mg/l.

8. "Operation and Maintenance" means all expenditures during the useful life of the treatment works for material, labor, utilities and other items which are necessary for managing and maintaining the treatment works to achieve the capacity and performance for which such works were designed and constructed.

9. "Operation, Maintenance and Replacement Fund" means a separate nonlapsing fund which includes the "Operations and Maintenance Account" and the "Replacement Account."

10. "Parts per million (ppm)" means a weight to weight ratio; the parts pr million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water and for the purposes of this chapter it shall mean the same as milligrams per liter (mg/l).

11. "PH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

12. "Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

13. "Residential contributor" means any contributor to the City's treatment works whose lot, parcel of real estate or building is used for domestic dwelling purposes only.

14. "Sewage (wastewater)" means the water-carried waste from residences, business and commercial buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters or unpolluted industrial wastes as may be present in a public or private sewer.

15. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

16. "Sewer Rental" means any and all charges, rates, fees, or rentals levied against any payable by contributors as consideration for the servicing of said contributors by said sewer system.

17. "TKN (total Kjeldahl nitrogen)" means the measure of organic nitrogen plus ammonia nitrogen content in domestic wastewater.

18. "TSS (total 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.

19. "Treatment works" means any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; as standby treatment to provide a reliable recycled supply such works, include site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated waste-water in land treatment system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

20. "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.

21. "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 USER CHARGE SYSTEM.

1. The user charge system shall generate adequate annual revenue to pay costs of annual operation, maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment work which the City

may by ordinance 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.

2. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes, as established in this chapter, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two primary accounts as follows:

- A. Operation and Maintenance Account. An account designated for the specific purpose of defraying operation and maintenance costs of the treatment works.
- B. Replacement Account. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works. Deposits in the Replacement Account shall be made annually from the operation, maintenance and replacement revenue in the amount of \$2,500 annually.

3. That portion of the total user charge collected which is designated for the debt retirement fund as established in this chapter shall be deposited in a separate fund known as the Debt Service Fund and will be kept in two primary accounts as follows:

- A. Revenue Bond Sinking Account. An account designated for the specific purpose of paying principal of and interest on the bonds and parity bonds.
- B. Revenue Bond Reserve Account. An account designated for the specific purpose of providing a reserve for paying principal of and interest on the bonds and parity bonds.

4. Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in the subsequent year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment. The user charge rate shall be adjusted such that the transferred monies will be returned to their respective account

within the fiscal year following the fiscal year in which the monies were borrowed.

5. Fiscal year-end balances in the Revenue Bond Sinking Account and the Revenue Bond Reserve Account shall be carried over to the same accounts in the subsequent year, and shall be used for no other purposes than those designated for these accounts. The required amount to be deposited to the Revenue Bond Sinking Account in any month shall be an amount equal to 1/6 of the installment of interest coming due on the next interest payment date and 1/12 of the installment of principal coming due on such bonds on the next principal payment date until the full amount of such installment is on hand. In each month there shall be deposited in the Revenue Account an amount equal to 25% of the amount required to be deposited to the Sinking Account.

99.04 USER CHARGE. Each user shall pay for the services provided by the City based on his use of the treatment works as determined by water meter acceptable to the City.

1. The minimum charge for all contributors for the first 2,500 gallons or lesser amount per month shall be \$14.75. In addition, each contributor shall pay a user charge rate for operation and maintenance including replacement of \$2.14 per 1,000 gallons of wastewater as determined in the preceding section and an additional \$1.36 per 1,000 gallons of waste- water for debt retirement for a total of \$3.50 per 1,000 gallons for each 1,000 gallons over the 2,500 gallon minimum. The total for 35 gallons will be \$18.25

2. For those contributors who contribute wastewater the strength of which is greater than normal domestic wastewater, as defined in Section 99.02, an extra strength surcharge in addition to the normal user charge will be collected. The extra strength surcharge for the operation and maintenance, replacement and debt retirement is: \$0.38 per pound B.O.D. and \$0.46 per pound TSS

3. Any user which discharges any pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works or any user which discharges any substance which singly or by interaction with other substances causes identifiable increase in the cost of operation, maintenance or replacement of the treatment works shall pay for such increased costs.

99.05 DETERMINATION OF QUANTITY USED. The use charge shall be applied to the quantity of water used by each contributor of sanitary sewage for each individual water meter contributing to

said sewer system as determined by monthly water meter readings of the municipal waterworks of the City, and by such privately owned water supplies as may contribute to the sewerage system; and in the case of unmetered water supplies, the quantity of water used and discharged into the sewerage system of the City shall be determined to the satisfaction of the Council and at the expense of the owner of unmetered water supply. If the estimated quantity of water from any unmetered water supply is estimated to be in excess of an average of 260 gallons per day for any one month, the Council may require that such water supply be metered at the expense of the owner of such water supply.

99.06 PAYMENT OF BILLS. All sewer user charge shall be billed under the same terms and conditions provided for payment for water service by the Board of Trustees. Extra strength surcharges assessed under Section 99.04 shall be due and payable at the office of the Clerk within ten (10) days after the due date thereof.

99.07 LIABILITY. The owner of the premises served and the occupant thereof and the user of the sanitary sewer service shall be jointly and severally liable for the sewer service provided said premises.

99.08 NONPAYMENT - LIEN. Sewer user 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.

99.09 AGREEMENT PERMITTED. No statement in this chapter shall be construed as preventing an agreement, arrangement or contract between the Council and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to conditions, rate and cost established by ordinance.

99.10 REVIEW OF USER CHARGE SYSTEM. The City shall review the user charge system annually and revise user charge rates as necessary to ensure that the system generated 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 and user classes.

99.11 NOTIFICATION OF RATE. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance including replacement of the treatment works.

TITLE III - PUBLIC SERVICES
SANITARY SEWERS
CHAPTER 100
SEWER EXTENSIONS

- 100.01 Purpose
- 100.02 "Builder" Defined
- 100.03 Construction by City
- 100.04 Construction by Owner
- 100.05 Others Required to Connect
- 100.06 Builder Reimbursed
- 100.07 Building Sewers Installed

100.01 PURPOSE. The purpose of this chapter is to provide a means and method for the extension of sewers to serve property not served by an existing sewer line so as to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the residents of the City. (Code of Iowa, Sec. 364.1)

100.02 "BUILDER" DEFINED. For the purposes of this chapter, the owner of land who causes a sanitary sewer to be installed under the provisions of this chapter shall be referred to as the "builder", and such term shall mean the heirs, successors, or assigns of such owner.

100.03 CONSTRUCTION BY CITY. An owner of land abutting or adjoining a public street where no sanitary sewer has been installed may make application to the Council for the installation of a sanitary sewer in said street for the purpose of serving said property in accordance with the following:

1. Application and Deposit. A written request for such installation, and a sum equal to the cost as estimated by the City of construction from the point where the sanitary sewer is presently installed and terminated to the point where the most distant boundary of the owner's lot abuts the said public street shall be submitted to the Council.

2. Construction. Upon receipt of the tender of the said sum, the City shall construct the said sanitary sewer for the purpose of serving the property of the applicant (builder), as soon as such construction can reasonable be accomplished.

3. Additional Cost. In the event the actual cost to the City of installation of the sanitary sewer is in excess of the estimated costs, the builder agrees to reimburse the City for such actual additional cost within thirty (30) days after the presentation of a bill for such additional cost.

4. Lien Authorized. In the event of the failure of the builder to reimburse the City, as specified in subsection 3 above, the total of the additional cost shall be certified to the County Treasurer as a special assessment lien against the builder's real estate. The landowner's written request for installation of the sanitary sewer shall waive all objections to jurisdiction and rights to notice and consent to the entry of such a special assessment lien against the real estate.

5. Connecting Property. The expense of connecting the property of the builder to the sewer laid in the public street shall be borne by the builder, in addition to the cost of constructing said sewer, but such connection shall be under the supervision of the City.

100.04 CONSTRUCTION BY OWNER. In the event an owner of land abutting or adjoining a public street in which no sewer has been previously installed desired to construct said sewer at the owner's own expense, the owner may do so, after making proper application to the City and receiving a permit to install such a sewer in accordance with the following :

1. City Supervision. The installation of such a sewer by a landowner at the owner's own expense shall be under the strict supervision of the City and shall, in all ways, conform to the requirement and specifications of the City.

2. Surety Bond. When making application to the City for a permit to install such a sewer, the applicant shall post with the City a surety bond in an amount to be set by the Council and made a matter of record in the minutes of said Council which shall be an amount equal to not less than 110% of the estimated cost as approved by the Council for construction for the full distance from the termination point of the presently existing sewer to the point where the farthest boundary of the applicant's land abuts the public street and which bond shall guarantee the installation of the sewer in as short a time as reasonably possible, and shall further indemnify the City for the Cost of completing the said project in the event the applicant fails to complete the said project in the event the applicant fails to complete the same within a reasonable time, and shall further indemnify the City for all reasonable time, and shall further indemnify the City for all damages to the public street incurred in such installation, and shall further hold the City harmless for any and all other damages arising from the installation of the said sewer.

3. Ownership of Sewer Line. After the said sewer has been

installed, the same shall become the property of the City.

100.05 OTHERS REQUIRED TO CONNECT. Following the installation of a sanitary sewer under the provision of this chapter, owners of land abutting or adjoining a public street in which such sewer has been installed, being persons other than the builder, shall be obliged to connect any sewage generating facilities into said sanitary sewer, as required by Chapter 95.

100.06 BUILDER REIMBURSED. Upon receipt by the City of a connection charge in an amount equal to one-half of the actual per foot construction cost of said sewer for the full frontage of each lot so connected, the City shall deduct and retain the sum of one hundred dollars (\$100.00) and shall remit to the builder the balance of said connection charge. As successive sewage generating facilities are connected to the said sanitary sewer installation, like sums from each connection charge shall be remitted by the City to said builder, until said builder has been reimbursed for the expense of such installation of sewer, less the non-refundable connection charge provided herein.

100.07 BUILDING SEWERS INSTALLED. Each sanitary sewer constructed in a public street or right-of-way, whether constructed by the City or by a private party shall include a stub to each abutting or adjoining lot line of the street or right-of-way on which the sewer is installed. Each party responsible for the installing such sewer shall provide the City with an accurate map showing the location of each stub within thirty (30) days of the completion of the installations.

Chapter 101-104 are reserved for future use.

TITLE III - PUBLIC SERVICES
SOLID WASTE CONTROL
CHAPTER 105
GENERAL PROVISIONS

- 105.01 Purpose
- 105.02 Definitions
- 105.03 Health Hazard
- 105.04 Fire Hazard
- 105.05 Open Burning Restricted
- 105.06 Littering Prohibited
- 105.07 Open Dumping Prohibited
- 105.08 Toxic and Hazardous Wastes
- 105.09 Waste Storage Containers
- 105.10 Storage of Yard Wastes
- 105.11 Sanitary Disposal Required
- 105.12 Prohibited Practices
- 105.13 Designation of Sanitary Disposal Project
- 105.14 Permit for Collection
- 105.15 Volume-based Fee
- 105.16 Resolution to Regulate

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 wastes and, thereby, to protect the citizens of the City from such hazard to their health, safety and welfare as may result from the uncontrolled disposal of solid wastes.

105.02 DEFINITIONS. For use in these chapters the following terms are defined.

1. "Approved Incinerator": shall mean equipment or facilities for the enclosed burning of refuse having a stack adequate to maintain a draft sufficient for efficient combustion and equipped with a screen sufficiently fine to prevent ejection of particle of burning materials as approved by the Environmental Protection Commission.

2. "Back Yard Burning": shall mean the disposal of residential waste by open burning on the premises of the property where such waste is generated.

3. "Discard": shall mean to place, cause to be placed, throw, deposit or drop. (Code of Iowa, Sec. 455B.361)

4. "Executive Director": shall mean the executive director of the State Department of Natural Resources or any designee.(Code

of Iowa, Sec. 455B.101[2b])

5. "Garbage": shall mean all solid and semisolid, putrescible animal and vegetable wastes 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 shall include all such substance from all public and private establishments and from all residences.

6. "Landscape Waste": shall mean any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

7. "Litter": shall mean any garbage, rubbish, trash, refuse, waste materials or debris. (Code of Iowa, Sec. 455B.361[1])

8. "Open Burning": shall mean any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.

9. "Open Dumping": shall mean the depositing of solid wastes on surface of the ground or into a body or stream of water.

10. "Owner": shall mean in addition to the record titleholder any person residing in, renting, leasing, occupying, operating, or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities, and obligations hereinafter imposed shall be joint and several.

11. "Refuse": shall mean putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semi-solid form.

12. "Residential Waste": shall mean any refuse generated on the premises as a result of residential activities. The term includes landscape wastes grown on the premises or deposited thereon by the elements, but excludes garbage, tires, and trade wastes.

13. "Rubbish": shall mean non-putrescible solid waste consisting of combustible and non-combustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass bedding, crockery or litter of any kind.

14. "Rubble": shall mean stone, brick, or similar inorganic

material.

15. "Salvage Operation": shall mean any business, industry or trade engaged wholly or in part in salvaging or reclaiming any product or material, including, but not limited to chemicals, drums, metals, motor vehicle or shipping container.

16. "Sanitary Disposal": shall mean a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

17. "Sanitary Disposal Project": shall mean all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director. (Code of Iowa, Sec. 455B.301)

18. "Solid Waste": shall mean garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including but not limited to such material resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa. (Code of Iowa, Sec. 455B.301)

19. "Toxic and Hazardous Wastes": shall mean waste materials, including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, flammable or explosive materials and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

20. "Yard Waste": means any organic debris (e.g., grass clippings, leaves, tree limbs, bark, branches, flowers, etc..) which is produced as a part of yard and garden development and maintenance.

105.03 HEALTH HAZARD. It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

105.04 FIRE HAZARD. It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.

105.05 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials, except that the following shall be permitted:

1. Disaster Rubbish. The open burning of rubbish including landscape waste, for the duration of the community disaster period in cases where an official declared emergency condition exists.

2. Diseased Trees. The open burning of diseased trees. However, when the burning of diseased trees causes a nuisance, appropriate action may be taken to require relocation of the burning operation. Rubber tires shall not be used to ignite diseased trees.

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.

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing, and construction operations shall be limited to areas located at least one-fourth (1/4) mile from any inhabited building. Rubber tires shall not be used to ignite landscape waste.

5. Recreational Fires. Open fires for cooking, heating recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources.

6. Back Yard Burning. Back yard burning of residential waste at dwellings of four-family units or less.

7. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that the Executive Director receives notice in writing at least one week before such action commences.

8. Variance. Any person wishing to conduct open burning of materials not exempted herein may make application for a variance to the Executive Director.

105.06 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 propose. 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)

105.07 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the open dumping or depositing of any solid waste except rubble at any place other than a sanitary disposal project approved by the Executive Director.

105.08 TOXIC AND HAZARDOUS WASTES. The collection, storage and disposal of toxic and hazardous wastes shall be subject to the following:

1. Labeling. All containers used for the storage, collection or transportation of toxic or hazardous wastes shall be plainly marked so as to provide adequate notice of the contents thereof.

2. Location of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well-drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.

3. Non-conforming Containers. Solid waste containers which are not adequate will be collected together with their content and disposed of after due notice to the owner.

105.10 STORAGE OF YARD WASTE - SEPARATION REQUIRED. All yard waste as defined in Section 105.02(20) shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises or placed in degradable bags, containers or packages before collection. The weight of any individual container, bag or package and contents shall not exceed sixty (60) pounds.

105.11 SANITARY DISPOSAL REQUIRED. It shall be the duty of each owner to provide for the sanitary disposal of all refuse accumulation 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 56 or by initiating proper action in district

court. The City may immediately seek relief by filing a criminal or civil action for a violation of the City Code in the Iowa District Court. (Code of Iowa, Ch. 657)

105.12 PROHIBITED PRACTICES. It shall be 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. Unlawful Disposal. Disposal of refuse at any facility or location which is not an approved sanitary disposal project.

4. Unlawful Collection. Engage in the business of collecting, transporting, processing, or disposing of refuse within the City without a contract therefor with the City or a valid permit therefor.

5. Incinerators. Burn rubbish or garbage except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter.

105.13 DESIGNATION OF SANITARY DISPOSAL PROJECT. On an annual basis the City Council shall designate an approved sanitary disposal project. Collectors of solid waste shall dispose of collected waste in only approved sanitary disposal projects.

105.14 PERMIT FOR COLLECTION.

1. All persons who engage in the business of collecting, transporting, processing or disposing of solid waste within the City of Albia shall be deemed to be "collectors" under this chapter.

2. All collectors shall be required on an annual basis to obtain a permit form the City Clerk for collection of solid waste.

3. All solid waste collected shall be disposed of in an approved sanitary disposal project.

4. All collectors shall prominently display the name,

address and telephone number of the collector on the doors and truck frame in a manner acceptable to the City. .

5. All collectors must pay an annual fee of \$ 25.00.

6. All collectors shall provide proof of liability insurance in a minimum amount of \$ 500,000 for one person and \$1,000,000 per incident personal injury and \$250,000 property damage.

7. Each collector shall abide by reasonable regulations issued by the City. In the event a collector violates the terms of the permit or a provision of this chapter, the City Clerk may revoke the collector's permit. The collector shall have a right to a hearing before the City Council on the clerk's action revoking the permit within 30 days after to Clerk gives written notice by certified mail (return receipt not required) and ordinary mail. The council shall schedule a hearing within 30 days after receiving the written notice. After hearing, the council shall determine whether the clerk's action in revoking the permit is proper given the circumstances presented.

8. All collectors shall collect solid waste from the curbside of the client's home and an established road within the City of Albia and will not operate in alleyways.

9. Collectors who utilize commercial dumpsters for collection of solid waste may apply for an additional permit which will authorize and specify what unpaved roadways or alleyways may be used to collect from said dumpsters.

105.15 VOLUME-BASED FEE FOR SOLID WASTE COLLECTION.

1. All solid waste and recyclable materials collected shall be transferred to a facility (Solid Waste Agency) designated by the City for final disposition. All solid waste haulers shall provide collection based on volume. All solid waste shall be collected not less than once per week. Solid waste collection containers shall be placed for collection at a location approved by the City. All solid waste containers shall be constructed of durable materials and fitted with a lid to prevent the entrance of rainwater and tampering by animals.

2. Commercial business collection shall be based on volume of containers necessary for adequate storage of waste materials and frequency of collection. Rates for collection of waste shall be negotiated between business owners and approved waste haulers on the basis of the necessary level of

service.

3. Residential solid waste shall be collected not less than once per week. The cost of collection of solid waste shall be negotiated between individual residents and approved waste haulers on the basis of the volume of waste placed for disposal. Nominal rates for solid waste disposal shall be for placement of two containers of solid waste per week. Solid waste containers shall have a capacity of not more than 35 gallons per container and a total weight of not more than 75 pounds when filled. Additional residential containers placed for collection shall be collected by the solid waste hauler at a rate to be negotiated by the resident and the solid waste hauler.

105.16 The City council may by resolution regulate the collecting, transporting, processing, or disposal of Yard waste.

TITLE III - PUBLIC SERVICES
CHAPTER 106
HAZARDOUS SUBSTANCES

- 106.01 Purpose
- 106.02 Definitions
- 106.03 Cleanup Required
- 106.04 Notifications

106.01 PURPOSE. In order to reduce the danger to public health, safety and welfare from the spills of hazardous substances, these regulations for the removal and cleanup of spills within the City limits.

106.02 DEFINITIONS. For the purpose of this chapter, these words have the following meanings:

1. "Hazardous Waste" means those wastes which are included by the definition in Section 455B.411, Subsection 4, Paragraph a, Code of Iowa, and the rules of the Iowa Department of Natural Resources.

2. "Hazardous substance" means any substance as defined in Section 455B.381, Subsection 1, Code of Iowa.

3. "Hazardous condition" means the same as set out in Section 455B.381, Subsection 2, Code of Iowa.

4. "Person having control over a hazardous substance" means the same as set out in Section 455B.381, Subsection 8, Code of Iowa.

5. "Cleanup" means the same as set out in Section 455B.381, Subsection 6, Code of Iowa.

6. "Treatment" means a method, technique or process, including neutralization, designed to change the physical chemical or biological character or composition of a hazardous substance so as to neutralize it or to render the substance nonhazardous, safe for transport, amenable for recovery, amenable for storage, or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of a hazardous substance to render it nonhazardous.

106.03 CLEANUP REQUIRED. Whenever a hazardous condition created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous waste or substance, so that the hazardous substance or waste or a constituent of the hazardous waste or substance may

enter the environment or be emitted into the air or discharge into any waters, including ground waters, the cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the person having control over a hazardous substance. 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 proceed to procure cleanup services 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, the authorized officer shall report to the Council and immediately seek any State or Federal funds available for said cleanup.

106.04 NOTIFICATIONS. The first city officer or employee who arrived at the scene of an incident involving hazardous substances, if not a peace officer, shall notify the police department, which shall notify the proper State office in the manner established by the State.

Chapter 107-109 are reserved for future use.

TITLE III - PUBLIC SERVICES
CHAPTER 110
CEMETERY

- 110.01 Jurisdiction and Authority
- 110.02 Board of Trustees
- 110.03 Powers of Board
- 110.04 Gifts and Endowments
- 110.05 Monies Transferred to Board
- 110.06 Funds
- 110.07 Disposition of Monies
- 110.08 Perpetual Care Fund
- 110.09 Treasurer
- 110.10 Monies Collected and Transferred
- 110.11 Dues
- 110.12 Deeds
- 110.13 Sexton's Bond
- 110.14 Association Records

110.01 JURISDICTION AND AUTHORITY. The public cemetery of the City, known as Oak View Cemetery and all additional thereto and any and all other cemeteries platted and laid out for burial purposes are hereby placed under the absolute jurisdiction of the Board of Cemetery Trustees, said Trustees to be appointed and to hold office as hereinafter provided. It shall be the duty of the said Board of Trustees to look after, care for, control and manage the cemetery and additions thereto as fully and completely as the same could be controlled by the Council.

110.02 BOARD OF TRUSTEES. There is hereby created and established a Board of Cemetery Trustees, said Board to consist of five members, two of whom shall hold office for two years, two for four years, and one for six years from the first day of July following their appointment in each case, and at their first meeting they shall cast lots for the respective terms, reporting the result of the such lot to the Council. All subsequent appointments shall be for the term of six years each, except to fill vacancies. Any vacancies in the Board of Trustees shall be filled by election by the Council, such appointees to fill out the unexpired term for which the appointment is made. All Trustees shall be elected by the Council.

110.03 POWERS OF BOARD. The Board of Cemetery Trustees shall have and exercise the following powers:

1. To meet and organize by election of one of their number as President of their Board, and by election of a Secretary and a Treasurer and such other officers as the Board may deem necessary;

2. To have full and complete control and supervision of work for the cemetery and of any and all additions which may be platted and laid out by the City.

3. To care for and improve the cemetery from time to time as the public needs require;

4. To provide additional ground for cemetery purposes and to improve the same;

5. To provide for the payment of dues and assessments from those whose lots and burial places are to be cared for and to collect said dues and assessments;

6. To purchase tools and implements necessary for carrying on the work at the cemetery, to employ a sexton to have the immediate custody and charge of the cemetery property, and to employ such other help as may be necessary to enable the sexton to properly care for and keep in proper condition the said cemetery, and to do all necessary work of improving and keeping in suitable order all of said cemetery property; and

7. To fix the compensation of the sexton of the cemetery and of the other employees engaged in the upkeep of the cemetery property.

110.04 GIFTS AND ENDOWMENTS. All gifts, donations and endowments made by any person or persons to the Oak View Cemetery Association or to the City for the perpetual upkeep of any burial lots of the cemetery are hereby accepted upon the condition imposed upon said gifts, donations and endowments at the time the same were made.

110.05 MONIES TRANSFERRED TO BOARD. Any monies received or held by the Treasurer of the City for the cemetery shall be transferred and delivered to the Treasurer of the Cemetery Board of Trustees and a receipt taken for the same.

110.06 FUNDS. All monies coming into the hands of the Board of Trustees shall be kept and accounted for in two separate funds:

1. General Fund
2. Perpetual Care Fund.

110.07 DISPOSITION OF MONIES. All monies coming into the hands of the Board of Trustees from dues and assessments, from digging of

graves, from gifts or from any tax that may be levied by the City for cemetery purposes, shall be kept in the General Fund and shall be available for use in the payment of the sexton and other employees as may be necessary; for the purchase of tools and implements required for use in the cemetery and for all other general and incidental expenses in connection with the management of the cemetery. All monies derived from the sale of lots and any monies which may be donated by any person or persons for the purchase of additions for making improvement to the cemetery shall be placed in the General Fund and used only by the Trustees for purchasing additional land for cemetery use or making permanent improvements for the cemetery. Any profit derived from sale of lots or any income or interest from donations may, however, be used by the Board of Trustees for the payment of general expenses.

110.08 PERPETUAL CARE FUND. The perpetual care fund shall consist of all gifts, donations and endowments for the perpetual care of lots, and such fund shall be kept intact and shall be invested by the Trustees in bonds of the United States, municipal bonds or other evidence of indebtedness issued by authority of and in accordance with the laws of the United State or of the States, and the income only from such funds shall be used in caring for the property of the donor in the cemetery and shall be provided by the terms of the donation or endowment.

110.09 TREASURER. The Board of Trustees is hereby authorized to elect one of its members as Treasurer, who shall qualify in the same manner as Treasurer of the City, and give bond in the sum of not less than one and one-half times the amount of the money in his hands, which bond shall be made to the City and be approved by the Council. Said Treasurer shall have authority to receive and receipt for all monies by gift, donation or endowment, all monies received for the digging of graves and for management of the Board of Trustees, invest, manage and control the same in accordance with the provision of this chapter. The management and control of all the funds belonging to the Cemetery Association shall be by the Treasurer, elected by the Trustees, and under the direction of the Board of Trustees, and it shall be the duty of the Treasurer to keep separate accounts of each fund and to render a full, true, and accurate account of each fund on the first Monday of April and October in each year and at such intermediate times as may be called for by the Council.

110.10 MONIES COLLECTED AND TRANSFERRED. It shall be the duty of the sexton to collect all monies due for digging graves and pay the same over to the Treasurer of the Cemetery Association at such times as required by the Board of Trustees.

110.11 DUES. It shall be the duty of the Secretary of the Cemetery Association to collect the dues for the upkeep on the lots in the cemetery from those liable therefor and pay the same over to the Treasurer of the Association at such times as the Board of Trustees may require.

110.12 DEEDS. The Board of Trustees shall have full authority to make and execute deeds for burial lots in the cemetery and all additions thereto and any other cemeteries platted and belonging to the City, as fully and effectively as the City could do itself.

110.13 SEXTON'S BOND. The sexton of the cemetery shall be required to give bond in the sum of five hundred dollars (\$500.00), the same to be in favor of the City, and to be approved by the Cemetery Association.

110.14 ASSOCIATION RECORDS. It shall be the duty of the Cemetery Association to keep a full record of its meeting and doings; this record shall be signed by the President and Secretary and shall, at all times, be open for the inspection of the Council or any committee appointed by the Council for such purpose.

Chapters 111-114 are reserved for future use.

TITLE IV - CULTURE AND RECREATION
CHAPTER 115
LIBRARY

- 115.01 Purpose
- 115.02 Public Library
- 115.03 Library Trustees
- 115.04 Qualifications of Trustees
- 115.05 Organization of the Board
- 115.06 Powers and Duties
- 115.07 Contracting with Other Libraries
- 115.08 Non-Resident Use
- 115.09 Expenditures
- 115.10 Annual Report
- 115.11 Injury to Books or Property

115.01 PURPOSE. The purpose of this chapter is to provide for the appointment of a City Library Board of Trustees, and to specify that Board's powers and duties.

115.02 PUBLIC LIBRARY. The public library for the City shall be known as the Albia Public Library. It shall be referred to in this chapter as the Library.

115.03 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of nine members, five of which shall be designated by the Mayor as being resident members and four of which shall be designated as being non-resident members. The five resident members are to be appointed by the Mayor with the approval of the Council. The non-resident members shall be appointed by the County Board of Supervisors.
(Code of Iowa, Sec. 392.5)

115.04 QUALIFICATIONS OF TRUSTEES. All resident members of the board shall be bona fide citizens and residents of the City. The non-resident members of the board shall be bona fide citizens and residents of the County. Members shall be over the age of eighteen (18) years. (Code of Iowa, Sec. 392.5)

115.05 ORGANIZATION OF THE BOARD. The organization of the board shall be as follows:

1. Designation of Members. Upon passage of this ordinance the Mayor shall designate three (3) members of the existing board as county appointed members. The current non-resident member of the board shall constitute the fourth county appointed member. The designations made by the Mayor shall, to the extent possible, insure that the county appointed members have staggered terms so

that no more than two (2) county appointed members' terms expire in any one year.

2. 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.

3. Vacancies. The position of any resident board member shall be deemed vacated if such member moves permanently from the City. The position of any non-resident board member shall be deemed vacated if such member moves permanently from the County or into the City. The position of any board member 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 of County. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new board member shall fill out the unexpired term for which the appointment is made.

4. Compensation. Board members shall receive no compensation for their services. (Code of Iowa, Sec. 392.5)

115.06 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. The City Treasurer shall serve as Board Treasurer, but shall not be a member of the Board. (Code of Iowa, Sec. 392.5)

2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same. (Code of Iowa, Sec. 392.5)

3. Charge of Affairs. To direct and control all affairs of the Library. (Code of Iowa, Sec. 392.5)

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. (Code of Iowa, Sec. 392.5)

5. Removal of Personnel. To remove the librarian, by a two-

thirds (2/3) vote of the Board and provide procedure for the removal of the assistants or employees for misdemeanor, incompetency, or inattention to duty, subject however, to the provisions of Chapter 70 of the Code of Iowa. (Code of Iowa, Sec. 392.5)

6. Purchases. To select, or authorize the librarian to select, and make purchases of books, pamphlet, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery and supplies for the library within budgetary limits set by the Board. (Code of Iowa, Sec. 392.5)

7. Use by Non-Residents. To authorize the use of the Library by non-residents of the City or County. (Code of Iowa, Sec. 392.5)

8. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with code and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations. (Code of Iowa, Sec. 392.5)

9. Expenditures. To have exclusive control of the expenditures 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. (Code of Iowa, Sec. 392.5)

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 bill of sale for the conveyance of said property; and to expand the fund received by them from such gifts, for the improvement of the Library. (Code of Iowa, Sec. 392.5)

11. Enforce the Performance of Conditions on Gifts. To enforce the performance of condition of gifts, donations, devises and bequests accepted by the City by action against the Council. (Code of Iowa, Sec. 661)

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

13. County Historical Association. To have authority to make agreements with the local County historical association where such exists, and to set apart the necessary room and to care for such

articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgement of a historical and educational nature and pay for the same out of funds allocated for Library purposes. (Code of Iowa, Sec. 392.5)

115.07 CONTRACTION WITH OTHER LIBRARIES. The Board shall have power to contract with other libraries in accordance with the following:

1. Contracting. The Board may contract with any other board of trustees of free public libraries ,any other city, school corporation, private or semi-private organization, institution of higher learning, township, or County, or with the trustees of any County library district for the use of the Library by their respective residents. (Code of Iowa, Sec. 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 part at the last 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 contact.(Code of Iowa, Sec. 392.5)

115.08 NON-RESIDENT 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 non-residents on the same terms and conditions as to residents of the City, or County, or upon payment of a special non-resident Library fee. (Code of Iowa, Sec. 392.5)

2. Depository. By establishing depositories of Library books or other material to be loaned to non-residents. (Code of Iowa, Sec. 392.5)

3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library material may be loaned to non-residents. (Code of Iowa, Sec. 392.5)

4. Branch Library. By establishing branch libraries for

lending books or other Library material to non-residents.

115.09 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 order of the Board, signed by its President and Secretary. (Code of Iowa, Sec. 384.2 & 392.5)

115.10 ANNUAL REPORT. The Board shall make a report to the Council and the County Board of Supervisors 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 requested by the Council or Board of Supervisors. (Code of Iowa, Sec. 392.5)

115.11 INJURY TO BOOKS OR PROPERTY. It shall be 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)

TITLE IV - CULTURE AND RECREATION
CHAPTER 116
PARK REGULATIONS

- 116.01 Purpose
- 116.02 Use of Drives Required
- 116.03 Fires
- 116.04 Littering
- 116.05 Camping Areas

116.01 PURPOSE. The purpose of this chapter is to facilitate the enjoyment of the park facilities by the general public by establishing rules and regulations governing the use of the park facilities. (Code of Iowa, Sec. 392.1)

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

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

116.04 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.

116.05 CAMPING AREAS. No person shall camp in any portion of a park except in portions prescribed or designed by the Council.

TITLE IV - CULTURE AND RECREATION
CHAPTER 116A
ALBIA PARK COMMISSION

- 116A.1 Establishment
- 116A.2 Powers and Duties
- 116A.3 Compliance

116A.01. ESTABLISHMENT. The "Albia Park Commission" is hereby established. The Commission shall consist of a seven-member board. The board shall include one member of the Albia City Council, the city clerk of Albia, and five residents of the City of Albia. The resident member(s) shall be appointed by the City Council. The initial appointment of the residents shall be one for a term of one year, two for a term of two years, and two for a term of three years. Thereafter, all appointments shall be for a three-year period.

116A.2. POWERS AND DUTIES. The "Albia Park Commission" shall have the following powers and duties:

1. Hold meetings.
2. Elect from its members a chair, secretary and other officers, as it deems necessary.
3. Hiring of Personnel. To consult with the Sanitation Commissioner in the employment of a manger for the Aquatic Center, and authorize the manager to employ such assistants and employees as may be necessary for the proper management of the Aquatic Center. The compensation of the manager, assistants and employees shall be fixed and approved by a majority of the members of the Board voting in favor thereof.
4. Purchases. To consult with the Sanitation Commissioner in the selection of equipment and supplies within budgetary limits set by the Council.
5. Expenditures. To have control of the expenditures of all funds allocated for parks and recreational facilities purposes by the Council and consistent with these regulations and all moneys available by gift or otherwise and all other moneys belonging to the parks and recreation and/or other city recreational facilities.
6. Gifts. To accept gifts of real property, personal property or mixed property and devices and bequests including trust funds.

7. Oversee and maintain park facilities.
8. Direct and implement policies both immediately and in the future.
9. Organize and improve City owned parks, recreational property, and facilities.
10. Establish rules and regulations for the use of City parks, recreational properties, and facilities.
11. Recommend the establishment of penalties for the violation of such rules and regulations, including the denial of use of City parks, recreational property, and facilities.
12. Handle grievances.
13. Actively search and apply for additional funding, gifts, and grants, and other methods to develop new facilities.
14. Any other duties established by resolution of the City Council.

116A.3. COMPLIANCE. The Commission shall comply with all local, State, and federal regulations, be subject to the Iowa open meetings law and file minutes of its meetings with the City Clerk.

TITLE IV - CULTURE AND RECREATION
CHAPTER 117
HISTORIC PRESERVATION BOARD

- 117.01 Purpose
- 117.02 Definitions
- 117.03 Organization of Board
- 117.04 Powers and Duties
- 117.05 Appeals

117.01 PURPOSE. The purpose of this chapter is to:

1. Promote the educational, cultural, economic and general welfare of the public through the protection, enhancement and perpetuation of sites and districts of historical and cultural significance.

2. Safeguard the City's historic, aesthetic and cultural heritage by preserving sites and districts of historic and cultural significance.

3. Stabilize and improve property values.

4. Foster civic pride in the legacy of beauty and achievements of the past.

5. Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business thereby provided.

6. Strengthen the economy of the City; and

7. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure and welfare of the people of the City.

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

1. Board. The Albia Historic Preservation Board.

2. Historic District. An area which contains a significant portion of buildings, structures or other improvements which, considered as a whole:

A. Represent one or more distinctive styles or periods of architecture or methods of construction, or both; or

B. Are associated with persons or events that have made significant contributions to the course of local, State or national history; or

C. Possess a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials or combination thereof, which is deemed to add significantly to the value and attractiveness of properties within such area.

3. Historic Site. A structure or building which:

A. Represents one or more distinctive styles or periods of architecture, or methods of construction or both; or

B. Is associated with persons or event that have made significant contributions to the course of local, State or national history; or

C. Possess a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combination thereof which is deemed to add significantly to the value and attractiveness of properties within the area of such building or structure.

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

1. The Board shall initially consist of five (5) members who shall be residents of the City.

2. Members of the Board shall be appointed by the Mayor with the advice and consent of the Council. Two person are to be nominated by the Albia Area Chamber of Commerce. One of those is to be a chamber member who is a property owner in the historic district and the other is to be a member of the Chamber's Historic Preservation Committee. The other three Board members will be members-at-large, each of whom shall possess professional qualifications evidencing expertise and/or positive interest in architecture, architectural history, real estate, law, accounting, historic preservation, city planning, building rehabilitation or conservation in general. In the event that names are not submitted by the appropriate organization within 60 days of the receipt of the request, the Mayor may proceed to fill these positions in the same manner as members-at-large are appointed. As historical sites or districts may be created, one member shall be appointed from

each district.

3. The original appointment of the members of the Board shall be three persons for two years and two persons for three years from January 1 following the year of such appointment or until successors are named to serve out the unexpired positions of their terms of appointment or until successors are appointed to serve for terms of three years. Members appointed from designated historical sites or districts shall serve three-year terms.

4. Vacancies occurring in the Board other than by expiration of term of office shall be filled only for the unexpired portion of the term of the member replaced.

5. Members may serve for more than one term and each member shall serve until the appointment of a successor.

6. Vacancies shall be filled by the Mayor according to the original selection as aforesaid.

7. Members shall serve without compensation.

8. A simple majority of the Board shall constitute a quorum for the transaction of business.

9. The Board shall elect a Chairman and a Secretary who shall preside over the Board meetings and who shall be responsible for maintaining written records of the Board's proceedings.

10. The Board shall meet at least three times a year.

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

1. The Board may conduct studies for the identification and designation of historic districts and sites meeting the definitions established by this chapter. The Board may proceed at its own initiative or upon a petition from any person, group, or association. The Board shall maintain records of all studies for public use.

2. The Board may make a report and recommendation for the designation of historical district or site to the National Register of Historic Places and may conduct a public meeting thereon.

3. Upon receiving the recommendation of the Historic Preservation Board, the City Council shall conduct a public hearing on the establishment of the proposed Historical Preservation

District. The Council may approve or disapprove or may refer the historic district or site designation to the Board for modification.

4. In addition to those duties and powers specified above, the Board, with Council approval, may:

A. Accept unconditional gifts and donation of real and personal property, including money, for the purpose of historical preservation;

B. Acquire by purchase, bequest or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties;

C. Preserve, restore, maintain and operate historic properties under the ownership or control of the Board;

D. Lease, sell and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property;

E. Contract with the State or the Federal government or the organizations;

F. Cooperate with the Federal, State and local, government in the pursuance of the objectives of historical preservation;

G. Participate in the conduct of land use, urban renewal and other planning undertaken by the Council;

H. Recommend ordinances or otherwise provide information for the purpose of historical preservation to the Council;

I. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction;

J. Enter, only in performance of its official duties and only at reasonable times, upon private lands for the examinations or survey of the lands; however, the Board shall not enter a private building or structure without the express consent of the owner or occupant.

117.05 APPEALS. Appeals from the decision or action of the

Historic Preservation Board may be taken to a court of appropriate jurisdiction in the County.

TITLE IV - CULTURE AND RECREATION
CHAPTER 118
YOUTH AFFAIRS COMMISSION

- 118.01 Purpose
- 118.02 Establishment
- 118.03 Organization of the Commission
- 118.04 Powers and Duties
- 118.05 Annual Report

118.01 PURPOSE. The purpose of this chapter is to provide for the appointment of a Youth Affairs Commission and to specify it's powers and duties.

118.02 ESTABLISHMENT. There is hereby established an Albia Commission on the Youth Affairs hereinafter referred to as the "Commission" as an advisory body, to be composed of six (6) persons who are residents of the City, to be appointed by the Mayor subject to confirmation by the Council. One (1) member shall be eighteen (18) years of age or older and five (5) members shall be more than ten (10) and less than eighteen (18) years old.

118.03 ORGANIZATION OF THE COMMISSION. The organization of the Commission shall be as follows:

1. Term of Office. The original commission shall be appointed as follows: Three (3) members shall be appointed for one-year terms, and three (3) members shall be appointed for two-year terms. Thereafter, all members shall be appointed for two-year terms. No member shall serve more than one (1) term.

2. Vacancies. The position of any resident Commissioner shall be vacated if such member moves permanently from the City. The position of any Commissioner shall be deemed vacated if such member is absent from six (6) consecutive regular meeting of the Commission, except in the case of sickness or temporary absence from the City. Vacancies in the Commission shall be filled in the same manner as an original appointment except that the new Commissioner shall fill out the unexpired term for which the appointed is made.

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

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

- 1. Rules. As soon as may be practical after appointment of

the original members, the Commission shall organize itself and establish its own rules of procedure.

2. Officers. As soon as may be practical after appointment of the original members, the Commission shall meet and elect from its members a President, a Secretary and such other officers as it deems necessary. The City Treasurer shall serve as Commission Treasurer, but shall not be a member of the Commission.

3. Cooperation and Coordination. The Commission shall encourage cooperation and coordination of all information and education programs on youth affairs. The Commission will encourage the public understanding of the current affairs affecting the lives of young citizens in Albia. Complete records shall be maintained by the Commission Secretary in the office of the Clerk. The Commission shall also strive to cooperate with clergymen, doctors, attorneys, educators, as well as other groups and individuals in promoting an effective program of help and understanding to those in need.

4. Gifts. The Commission on Youth Affairs shall have the power and authority to accept or reject the gifts made or offered to the Commission for use in connection with programs in the Albia area. Gifts of money shall be deposited with the City Treasurer and shall be credited to the Albia Commission on Youth Affairs account.

118.05 ANNUAL REPORT. Every year at a time convenient to the Commission but prior to the last regular meeting for the Council for the year, the Commission shall make a written or oral report to the Council of the Commission's activities for the entire calendar year.

Chapter 119 is reserved for future use.

TITLE V - BUILDING AND PROPERTY REGULATIONS
ZONING, LAND USE AND SUBDIVISIONS
CHAPTER 120
PLANNING AND ZONING COMMISSION

- 120.01 Planning and Zoning Commission
- 120.02 Term of Office
- 120.03 Vacancies
- 120.04 Compensation
- 120.05 Powers and Duties

120.01 PLANNING AND ZONING COMMISSION. There shall be a City planning and zoning commission, hereinafter referred to as the commission, consisting of seven (7) members, who shall be citizens of the City and qualified by knowledge or experience to act in matters pertaining to the development of a City plan and who shall not hold any elective office in the City government, appointed by the Council. (Code of Iowa, Sec. 414.6 & 392.1)

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

120.03 VACANCIES. If any vacancy shall exist on the commission caused by resignation or otherwise a successor for the residue of said term shall be appointed in the same manner as the original appointee. (Code of Iowa, Sec. 392.1)

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

120.05 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 chairman and another as vice-chairman, who shall perform all the duties of the chairman during the chairman's absence or disability.

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

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

4. Appointment of Assistants. Subject to the limitations contained in this chapter as to the expenditure of funds, the commission may appoint such assistants as it may deem necessary and prescribe and define their respective duties and fix and regulate the commission to be paid to the several persons employed by it.

5. Comprehensive Plan. The commission shall have full power and authority to make or cause to be made such surveys, studies, maps, plans or charts of the whole or any portion of the City or of any land outside thereof, which in the opinion of the commission bears relation to the comprehensive plan and shall bring to the attention of the Council and may publish its studies and recommendations. (Code of Iowa, Sec. 414.3)

6. Comprehensive Plan: Preparation. For the purpose of making a comprehensive plan for the physical development of the City, the commission shall make careful and comprehensive studies of present conditions and future growth of the City and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding development of the City and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience prosperity, and general welfare, as well as efficiency and economy in the process of development. (Code of Iowa, Sec. 414.3 & 392.1)

7. Comprehensive Plan: Public Hearing. Before adopting a comprehensive plan as referred to in the preceding paragraph, or any part of it, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of a time of which shall be given by one publication in a newspaper of general circulation in the City not less than seven (7) or more than twenty (20) days before the date of hearing. However, in no case shall the public hearing be held earlier than the next regularly scheduled Council meeting following the published notice. The adoption of the plan or part or amendment thereof shall be by resolution of the Commission carried by the affirmative vote of not less than two-thirds (2/3) of the members of the Commission. After adoption of said plan by the Commission an attested copy thereof shall be submitted to the Council and the Council may approve the same. When said plan or any modification or amendment thereof shall receive the approval of the Council, the said plan until subsequently modified or amended as herein authorize shall constitute the official City plan. (Code of Iowa, Sec. 414.1, 414.6 & 392.1)

8. Comprehensive Plan: Amendments. When the comprehensive

plan has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the commission for its recommendations. If the commission disapproves the proposed change it may be adopted by the Council only by the affirmative vote of at least three-fourths (3/4) of the members of the Council.

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

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

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

12. Zoning. The commission shall have and exercise all the powers and duties and privileges in preparing and amending the City zoning code as provided by Chapter 414 of the Code of Iowa.

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

14. Limitation of Entering Contracts. The commission shall have no power to contract debts beyond the amount of its income for

the present year.

TITLE V - BUILDING AND PROPERTY REGULATION
ZONING, LAND USE AND SUBDIVISIONS
Chapter 121
ZONING CODE

EDITOR'S NOTE

"Zoning Code of the City of Albia, Iowa" and amendments thereto have not been included as a part of this code, but have been specifically saved from repeal and are in full force and effect.

TITLE V - BUILDING AND PROPERTY REGULATIONS
ZONING, LAND USE AND SUBDIVISIONS
CHAPTER 122
SUBDIVISION REGULATIONS

- 122.01 Title
- 122.02 Purpose
- 122.03 Definitions
- 122.04 Jurisdiction and Procedure
- 122.05 Subdivision Design Standards
- 122.06 Preliminary Plan
- 122.07 Minimum Improvements Required
- 122.08 Final Plat
- 122.09 Variations and Exceptions
- 122.10 Special Penalty
- 122.11 Changes and Amendments

122.01 TITLE. This chapter shall be known, referred to and cited as the Land Subdivision Chapter of the City of Albia, Iowa.

122.02 PURPOSE. The purpose of this chapter is to promote the public health ,safety and general welfare to the community and these regulation are designed to lessen congestion in the streets and highways; to further to lessen congestion in the land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds, and other public requirements; to facilitate the further subdivision of large tracts into smaller parcels of land. These regulations are made with reasonable considerations, among other things, of the character of the City with a view of conserving the value of the building placed upon land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the City. Pursuant to Section 354.9(1), Code of Iowa, these regulations shall apply to all land within two miles of the city's boundaries.

122.03 DEFINITIONS. For the purpose of this chapter, certain word and term are herein defined:

1. "Administrative Officer": shall mean the person officially designated by the Council as the officer responsible for the administration and enforcement of this chapter.

2. "Building Line": shall mean a line on a plat between which line and a street no building or structure may be erected.

3. "Commission": shall mean the Planning and Zoning Commission of the City.

4. "Cul-de-sac": shall mean a minor street with only one outlet and culminated by a turnaround.

5. "Extraterritorial Plat Approval Jurisdiction": shall mean the unincorporated area within two miles of the corporate limits. (Code of Iowa, Sec. 354.9)

6. "Minor Street": shall mean a street not designated as a major street in the major street plan for the City.

7. "Major Street": shall mean a street designated as a major street in the major street plan for the City.

8. "Subdivision": shall mean the division of land into three or more lots, or other division of land into parcels of one acre or less in areas for the use of the public. This shall not apply to (1) transfers of interest in land by will or pursuant to court order, (2) leases for a term not to exceed ten years, mortgages, or easements, or (3) the sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sized required by this chapter or other applicable laws or ordinances. (Code of Iowa, Sec. 354.1)

122.04 JURISDICTION AND PROCEDURE. It shall be unlawful for any person being the owner, agent, or person having control of any land within the City and the extraterritorial plat jurisdiction area to create a subdivision unless by a plat, shall first with the regulation contained herein. Such plat shall first be submitted to the commission for approval or disapproval. After report and recommendation of the commission are made and filed, such plat shall be submitted to the Council for this approval or disapproval. No plat shall be recorded and no lots shall be sold from such plat unless and until approved as herein provided. The design and layout of all subdivision shall conform with the requirements of section 122.05 hereof. The subdivision shall submit a preliminary plan in accordance with the specifications of section 122.06 hereof. Following approval of the preliminary plan, the subdivider shall install the minimum improvements or furnish a bond or provide for an assessment guaranteeing such installations, in accordance with the requirements of section 122.07 hereof. Upon approval of improvements, installations or arrangement thereof, the final plat shall be submitted in accordance with the provision of section 122.08 hereof. (Code of Iowa, Sec. 354.8)

122.05 SUBDIVISION DESIGN STANDARDS. The following design standards are the minimum required:

1. Relation to Adjoining Street System. The arrangement of streets in new subdivision shall make provision for the continuation of the principal existing streets in adjoining areas, or their proper projection where adjoining land is not subdivided, insofar as they may be deemed necessary by the commission for public requirements. The width of such streets in new subdivisions shall be not less than the minimum widths established herein. The street and alley arrangement shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Offset streets should be avoided. The angle of intersection between minor streets and major streets should not vary by more than ten (10) degrees from a right angle. Streets obviously in alignment with existing streets shall bear names shall be checked against duplication of other street names. (Code of Iowa, Sec. 354.4 and 354.8)

2. Street and Alley Widths. Street and alley widths shall meet the following requirements: (Code of Iowa, Sec. 354.8)

A. The widths and location of major streets shall conform to the widths and locations designated on the major street plan.

B. The minimum width for minor street shall be sixty (60) feet. When streets adjoining unsubdivided property, a half street at least thirty (30) feet in width may be dedicated, and whenever subdivided property adjoins a half street, the remainder of the street shall be dedicated.

C. Alleys are not recommended except under very unusual conditions in the residential block. When provided, a minimum width of fifteen (15) feet shall be required. Alleys are required in the Rear of all business and industrial lots and shall be at least twenty (20) feet wide. A five (5) foot cutoff shall be made at all acute angle alley intersections.

3. Easements. Easement of at least seven and one half (7½) feet in width shall be provided on each side of all real lot lines along side lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water or other mains. Easements of greater width may be required along or across lot where necessary for the extension of main sewers or other utilities, or where both

water and sewer lines relocated in the same easement. Easements in industrial subdivisions may be of greater width and need not be located on the rear lot line. (Code of Iowa, Sec. 354.9)

4. Blocks. Blocks shall meet the following requirements:

A. No residential block shall be less than five hundred (500) feet or longer than one thousand (1,000) feet between cross streets. (Code of Iowa, Sec. 354.4)

B. In platting residential lot containing less than fifteen thousand (15,000) square feet, the depth of the block shall not exceed three hundred (300) feet. (Code of Iowa, Sec. 354.8)

C. Where a tract of land is of such size or location as to prevent a lot arrangement directly related to a normal street arrangement, there may be established one or more "places"; such place may be in the form of a court, a dead-end street, or other arrangement; provided, however, that proper access shall be given to all lots from a dedicated place (street or court). A space, preferable circular, having a minimum radius of fifty (50) feet. A dead-end street or place shall not exceed five hundred (500) feet in length.

D. In industrial subdivisions blocks are not required.

5. Lots. Lots shall meet the following requirements:

A. The lot arrangement and design shall be such that all lot will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.

B. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, except where a variation to this rule will provide a better street and lot layout. Lots with double frontage shall be avoided.

C. The average minimum width of residential lots shall be sixty (60) feet at the building lines. No lot shall have a depth in excess of three (3) times its width. No lot shall have an area less than that required by the zoning ordinance.

D. Corner lots shall have extra width sufficient to

permit the establishment of front building lines on both adjoining streets.

E. Lots on major street intersections and at all other acute angle intersections which, in the opinion of the commission are likely to be dangerous to traffic movement, shall have a radius of twenty (20) feet at the street, corner. On business lots a chord may be substituted for the circular arc.

F. An industrial lot or lots size will be approved on an individual basis depending on the character, nature, and use of the industry. A plat may be progressively filed for a platted industrial park with each lot approved upon the submission of an updated and revised plat.

6. Building lines. Building lines shall be shown on all lot intended for residential use of any character and on commercial or industrial lots immediately adjoining residential areas. Such building lines shall not be less than twenty-five (25) feet or as required by any zoning or building line regulation applying to the property. Restrictions requiring buildings to be set back to such building lines shall be shown on the plat. Restrictions shall also be made and shown on or referred to on the plat, requiring all residential buildings to be set at least six (6) feet off each side lot line and not less than twenty-five (25) feet from rear lot lines.

7. Character of Development. The commission shall confer with the subdivision regarding the type and character of development that will be permitted in the subdivision any may agree with the subdivision as to certain minimum restrictions to be placed upon the property to prevent the construction of substandard buildings, control the type of structure or the use of the lots which, unless so controlled, would clearly depreciate the character and value of the proposed subsection and of adjoining property. Deed restrictions or covenants should be including or provided for the creation of a property owners' association or board of trustees for the proper protection and maintenance of the development in the future; provided, however, that such deed restrictions or covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation thereon of the terms of the restrictions or convents. Where water supply systems, park area, streets, trees, or other physical facilities necessary or desirable for the welfare of the area, and which are of common use or benefit and are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made by trust agreement

to any agency, having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of such facilities.

8. Parks, School Sites, and other Public Use Sites. In subdividing property, consideration shall be given to suitable areas, for schools, parks, playgrounds, and other common areas for public use so as to conform to any recommendations of the City plan. Any provision for schools, parks and playgrounds should be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate taxing agency.

9. Easements Along Streams. Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, or protection the stream or drainage course.

122.06 PRELIMINARY PLAN. Whenever any person desires to subdivide land into building lots or to dedicate streets, alleys or land for public use within the City, said person shall submit three (3) copies of the preliminary sketch plan conforming to the requirements of section 122.05 to the commission before submission of the final plans. Plats containing three (3) lots or less may be exempted from the provisions of this section.

1. Contents of Preliminary Plan. The preliminary plan shall show:

A. The location of present property lines, streets, buildings, watercourse, tree masses and other existing features within the area to be subdivided and similar information regarding existing conditions of land immediately adjacent thereto. (Code of Iowa, Sec. 354.4 and 354.6)

B. The proposed location and width of streets, alleys, lots, building and setback lines and easements, except in industrial areas where lots are to be established in the future pursuant to progressive platting.

C. Existing sanitary and storm sewers, water mains, culverts, and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat.

D. The title under which the proposed subdivision is to be recorded and the names of the subdivider platting the tract.

E. The names and adjoining boundaries of all adjoining subdivision and the names of recorded owners of adjoining parcels of subdivided land.

F. Contours referred to the City's benchmark with intervals sufficient to determine the character and topography of the land to be subdivided, but in no case shall the intervals be more than five (5) feet.

G. North point, scale and date.

H. Grades and profiles of streets and plans, or written and signed statements regarding the grades of proposed streets, and the width and type of pavement; location, size and type of sanitary sewer, or other sewage, disposal facilities; water mains and other utilities, facilities for storm waste drainage; and other proposes improvements such as sidewalks, planing and parks, and grading of individual lots. (Code of Iowa, Sec. 354.5)

2. Lack of Information. Preliminary plans which do not contain all of the above information will not be approved.

3. Action of Council. After the preliminary plan has been approved or disapproved by the commission, it shall be submitted to the Council for its approval or disapproval. Approval of the preliminary plan by the Council does not constitute an acceptance or approval of the subdivision plat. One (1) of the approved plan, signed by the Mayor, shall be retained in the office of the Mayor. One (1) signed copy will be given to the subdivider.

122.07 MINIMUM IMPROVEMENTS REQUIRED.

1. Receipt of the signed copy of the preliminary plan is authorization for the subdivider to proceed with the preparation of the plans and specifications for the following minimum improvements and with the preparation of the final plat. Prior to the construction of any improvements required or to the submission of a bond in lieu thereof, or to the provision for any assessment for such construction, the subdivider shall furnish the administrative officer all plans, information and data necessary to determine the character of said improvements.

2. These plans shall be examined by the administrative officer and will be approved, if in accordance with the requirements of this section. Following this approval, construction can be started or the amount of bond determined, or an assessment provided for. No final or official plat of any subdivision shall be approved unless:

a. the subdivide agrees with the Council upon an assessment whereby the City is put in an assured position to install the required improvements at the cost of the owners of property within the subdivision; or,

b. the required improvement have been installed prior to such approval, or

c. the subdivider files with the Council a surety bond, cashier's check or a certified check upon a solvent bank located in the City, conditioned to secure the construction of the required improvements in a satisfactory manner and within a period specified by the Council, such period not to exceed two (2) years. No such bond or check shall be accepted unless it be enforceable by or payable to the City in the sum of at least equal to the cost of constructing the improvements as estimated by the administrative officer, and in form with surety and condition approved by the City Attorney. (Code of Iowa, Sec. 354.5)

3. The owner of a tract may prepare and secure approval of a preliminary subdivision plan of an entire area and may install the above improvements only in a portion of such area, but the improvements must be installed in any portion of the area for which a final plat is approved for recording; provided, however designed and built in such a manner that they can easily be expanded or extended to serve the entire area. Following are the minimum required improvements:

a. Permanent Markers. All subdivision boundary corners and the four (4) corners of all street intersections shall be marked with permanent monuments. A permanent monument shall be deemed to be concrete with a minimum dimension of four (4) inches extending below the frost line, or steel pipe of at least one (1) inch diameter firmly imbedded in concrete, which extends below the frost line. Should conditions prohibit the placing of monuments on the line, offset marking will be permitted; provided, however, that exact offset courses and distances are shown on the subdivision plat. A permanent

benchmark will be accessibly placed and accurately noted on the subdivision plat, the elevation of such benchmark to be based on City datum. (Code of Iowa, Sec. 354.1)

b. Street Improvements. All street and public way shall be graded to their full width, including side slopes, and to the appropriate grade, and shall be surfaces in accordance with applicable standard specifications of the City. Such construction shall be subject to inspection and approval by the administrative officer.

c. Sidewalks. Concrete sidewalks shall be constructed along at least one (1F) side of every minor street shown on the plat in accordance with applicable standards specifications of the City, and concrete sidewalks shall be constructed along both sides of all major streets; provided, however, that where the property is platted in lots having an area of at least twenty thousand (20,000) square feet and a width of at least one hundred (100) feet, the Council may waive this requirement.

d. Water Lines. Each lot within the subdivided area shall be provided with a connection to approved public water supply where reasonable accessible and fire hydrants shall be installed in all subdivisions.

e. Sanitary Sewers. Each lot within the subdivision area shall be provided with a connection to a public sanitary sewer where reasonably accessible. All connections and the subdivisions sewer system shall comply with regulations of the State Department of Health and shall be approved by the administrative officer. When a public sewer system is not accessible, proper provisions shall be made for the disposal of sanitary wastes as approved by the State Department of Health.

f. Drainage. All necessary facilities shall be installed sufficient to prevent the collection of surface water in any low spot, and to maintain any natural watercourse. Drainage facilities satisfactory to the administrative officer shall be provided for the ends of all cul-de-sacs and dead-end streets.

122.08 FINAL PLAT. The final plat on tracing cloth and five (5) prints thereof, together with copies of any deed restrictions where such restriction are too lengthy to be shown on the plat, shall be

submitted to the Council. The final plat is to be drawn at a scale of not more than one hundred (100) feet to the inch from an accurate survey and on one or more sheets whose maximum dimensions are eighteen (18) inches by twenty-four (24) inches. If more than two (2) sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the areas shown on other sheets.

1. Contents of Final Plan. The final plat shall show:

A. The boundary lines of the area being subdivided with accurate distances and bearings. (Code of Iowa, Sec. 354.1)

B. The lines of all proposed streets and alleys with their widths and names.

C. The accurate outline of any portions of the property intended to be dedicated or granted for public use.

D. The lines of departure of one street from another.

E. The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names.

F. All lot lines together with an identification system for all lots and blocks.

G. The location of all building lines and easements provided for public use, services or utilities except in industrial areas where lots are to be established in the future pursuant to progressive platting.

H. All dimensions, both linear and angular, necessary for location the boundaries of the subdivision, lots, streets, alleys easements and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.

I. The radii, arcs, chords, points of tangency and central angles for all curviliner streets and radii for rounded corners.

J. The location of all survey monuments and benchmarks together with their descriptions.

K. The name of the subdivision, a small sketch showing its general location, and the scale of the plat, points

of the compass, and the name of owner or owners or subdivider.

L. The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown. (Code of Iowa, Sec. 354.1)

M. Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.

N. Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks, or other open spaces shown thereon and the granting of easements required.

O. Affidavits and certificates of approval for endorsement by the Council.

122.09 VARIATIONS AND EXCEPTIONS. Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties or substantial hardship or injustice, the Council, after report by the commission, may vary or modify such requirements so that the subdivider may develop the property in a reasonable manner, but so that, at the same time, the general welfare and interest of the City are protected and the general intent and spirit of these regulations preserved. The Council may approve progressive platting in industrial zoned areas.

122.10 SPECIAL PENALTY. Whoever, being the owner or agent of the owner of any land located within the City, knowingly or with intent to defraud, transfers or sells by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by the Council. Shall forfeit and pay the penalty of not more than one hundred dollars (\$100) for each lot so transferred or sold or agreed or negotiated to be sold, and a description by metes and bounds shall not exempt the transaction from such penalties. A contract of sale requiring conformity with this chapter may be entered into.

122.11 CHANGES AND AMENDMENTS. Any regulations or provisions of this chapter may be changed and amended from time to time by the Council, provided, however, that such changes or amendment shall

not become effective until after a study and report by the commission and until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation of at least fifteen (15) days prior to such hearing.

Chapters 123-129 are reserved for future use.

TITLE V - BUILDING AND PROPERTY REGULATIONS
BUILDING STANDARDS
CHAPTER 130
DANGEROUS BUILDINGS

- 130.010 Duty of Owners
- 130.020 Building Inspector
- 130.030 Definition of Unsafe
- 130.040 Notice to Owner
- 130.050 Hearing
- 130.060 Posting of Signs
- 130.070 Sales or transfer
- 130.080 Right to Demolish
- 130.090 Costs
- 130.100 Municipal Infraction
- 130.110 Penalty
- 130.120 Injunctions
- 130.130 Severability

130.010 Duty of Owners. The owners of all building located in the City of Albia are required to keep themselves informed of the conditions of all buildings owned by them and to take the necessary and appropriate action to make certain that no building becomes dilapidated or unsafe under the terms of this chapter.

130.020 Building Inspector. The city building inspector shall be responsible for the enforcement of this chapter. If an inspector is not already appointed, the council may designate some other officer to carry out the duties of the building inspector as it applies to this chapter.

130.030 Definition of Unsafe. All building or structures that 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, as specified in this chapter, the Code of Iowa, the city building code, or any other ordinance, are, for the purpose of this chapter, unsafe and dangerous buildings. All such unsafe buildings are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this Chapter and/or authorized by Section 364.12 of the Code of Iowa. "Unsafe building" means any structure or mobile home meeting any or all of the following criteria:

1. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse

and thereby injure persons or damage property.

2. Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not anchored, attached or fastened in place so as to be capable of resisting a wind pressure of twenty (20) pounds per square foot.

3. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to wind or earthquakes than is required in the case of similar new construction.

4. 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 collapse partially or completely.

5. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

6. Whenever the exterior walls or other vertical structural member list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-fourth(1/4) of the base.

7. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its non-supporting members, or of its enclosing or outside walls or coverings.

8. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:

- a. an attractive nuisance to children;
- b. a harbor for vagrants, criminals or immoral persons;
or
- c. as to enable person to resort thereto for
the purpose of committing unlawful or immoral acts.

9. Whenever a building or structure, used, or intended to be used for dwelling purposes, because of inadequate maintenance, including lack of paint so as to expose wood to rotting, dilapidation, decay, damage, faulty construction, or arrangement, inadequate light, air or sanitation facilities, or otherwise is determined by the County Health Officer to be unsanitary, unfit for human habitation, or in such condition that is likely to cause sickness or disease.

10. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the State Fire Marshal or City Fire Chief to be a fire hazard.

11. Whenever any building or structure is in such condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

12. Whenever any portion of a building or structure remain 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.

13. Whenever any deficiencies exist which are required to be provided for residential tenancies under Chapter 562A of the Code of Iowa.

14. Whenever any building qualifies as an abandoned building under Chapter 657A of the Code of Iowa.

130.040 Notice to Owner. The building inspector shall examine, or cause to be examined, every building or structure or portion thereof reported as dilapidated, dangerous, damaged, or abandoned and, if such is found to be such as defined in this chapter, the building inspector shall give to the owner of such building or

structure written notice stating the defects thereof.

1. This notice may require the owner or person in charge of the building or premises, within forty-eight 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 days from date of notice, unless otherwise stipulated by the building inspector. 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 building inspector.

2. This written notice shall be served upon the owner by certified mail, with return receipt requested. If the letter is returned as refused or undeliverable, the notice shall be considered to have been given, and this section is satisfied. Where there is no other record of the owner, the notice may be made by publication one time in any newspaper published in Albia, Iowa with a copy sent by ordinary mail addressed to the last address used by the Monroe County Treasurer for the owner of the real estate and any other address known to the building inspector.

3. The designated period within which the owner or person in charge is required to comply with the order of the building inspector shall begin as of the date the owner received such notice or on the date of the publication, whichever is earlier. However, such notice shall, except in cases of immediate danger, state that the person notified may request a hearing before the council concerning the determination that the building be repaired, removed, or demolished. The owner shall make such request in writing and mailed by ordinary mail, or delivered personally, to the city clerk at least three days before the deadline set in the notice if less than fifteen days was set and at least ten days before the deadline if over twenty-one days was set.

130.050 Hearing. If the owner requests a hearing before the City Council the owner shall be notified by ordinary mail of the date, time and place of the meeting where the city council shall hear the owner and consider the owner's statements and exhibits, if any, and any information provided by the building inspector. The hearing may be held at a special meeting of the city councilor at a regular meeting.

1. After the hearing the city council may determine whether or not the building is dilapidated, dangerous, damaged or abandoned as provided for in this chapter and if so may order the building

inspector to take the necessary actions to remedy the building which may include the right to demolish the structure and clean up the lot.

2. In the event that the city council authorizes the building inspector to take action and remedy the problem the owner shall be so notified and shall have twenty days in which to take an appeal to the Iowa District Court for Monroe County. In the event that the owner does not appeal within that twenty days then it shall be presumed, and the city shall be entitled to rely upon such presumption, that the owner agrees with the remedy proposed by the city. As an alternative, or as an additional remedy, the City may proceed under Section 130.111, 130.110 or 130.120.

130.060 Posting of Signs. The building inspector may cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. Building Department, City of Albia". Such notice or a similar notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the building inspector and no person shall enter the building except for the purposes of making the required repairs or demolishing the building.

130.070 Restrictions on Sale or Transfer. No dwelling unit or structure may be sold or conveyed by any means, including by deed, contract, long term lease, or any other means which results in a change of equitable title from the present owner to a third party unless the owner shall have first furnished the grantee, transferee, or lessee a true copy of any notice received from the city pursuant to the terms of Section 130.040. The violation of this section is specifically made a crime punishable as set out in Section 130.090. Failure to comply with this section shall also make the original owner, together with the new owner, jointly and severally responsible for the compliance with all the terms of this chapter. The city is authorized to file a notice with the Monroe County Recorder stated that the city building inspector has declared the dwelling unit or structure located on the real estate as a dilapidated or unsafe building under this chapter. Such notice shall be signed and acknowledged by the building inspector or some other person authorized by the city and shall contain the legal description of the real estate involved.

130.080 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 city council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the building inspector to proceed with the work specified in such

notice. A statement of the cost of such work shall be transmitted to the council.

130.090 Costs. Costs incurred under Sections 130.080 and 130.100 shall be paid out of the city treasury. Such costs shall be charged to the owner of the premises involved and levied against the land on which the building or structure is located, and shall be collected in the manner provided in Section 364. 12(C)(h) of the Code of Iowa.

130.100 Municipal Infraction. Any violation of this chapter is a municipal infraction as provided for by Iowa Code Section 364.22.

1. Such municipal infraction is a civil offense punishable by a civil penalty of not more than five hundred dollars for each violation or, if the infraction is a repeated offense, a civil penalty not to exceed seven hundred fifty dollars for each repeat offense.

2. Any violation of this chapter, however, shall not be a municipal infraction if the violation is a felony, and aggravated misdemeanor, or a serious misdemeanor under state law or if the violation is a simple misdemeanor under Chapters 687 thru 747 of the Iowa Code.

3. The building inspector is authorized to enforce this chapter by issuing a civil citation to the person who commits the municipal infraction.

4. The citation may be served by personal service as provided in the Iowa Rules of Civil Procedure, by certified mail addressed to the defendant at the defendant's last known address, return receipt requested, or by publication in manner provided in the Rules of Civil Procedure 1.311 and subject to the conditions of Rules of Civil Procedure 1.313. A copy of the citation shall be retained by the building inspector and a copy 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:

- a. The name and address of the defendant;
- b. The name or description of the infraction attested to by the building inspector issuing the citation;
- c. The location and time of the infraction;
- d. The amount of civil penalty to be assessed or the

alternative relief sought, or both;

e. The manner, location, and time in which the penalty may be paid;

f. The time and place of court appearance; and,

g. The penalty for failure to appear in court.

5. The matter shall be tried before magistrate, a district associate judge, or a district judge in the same manner as a small claim. The matter shall only be tried before a judge in district court if the total amount of civil penalties assessed exceeds the jurisdictional amount for small claims cases.

6. The city shall have the burden of proof that the municipal infraction occurred and that the defendant committed the infraction. The proof shall be by clear, satisfactory, and convincing evidence.

7. All penalties or forfeiture collected by the court for municipal infractions shall be remitted to the city in the same manner as fines and forfeitures are remitted for criminal violations under Code Section 602.8106. If the person named in the citation is served as provided in this section and fails without good cause to appear in response to the civil citation, judgment shall be entered against the person cited.

8. The person against whom judgment is entered shall pay court costs and fees as in small claims under Chapter 631. If the action is dismissed, the city shall be liable for the court costs and court fees.

9. Seeking a civil penalty as authorized in this section shall not preclude the city from seeking alternate relief from the court in the same action, or in some other action under the other provisions of this chapter, or under any other ordinance or law. When judgment has been entered against the defendant the court may do any one of the following;

a. Impose a civil penalty by entry of the personal judgment against the defendant;

b. Direct that the payment of the civil penalty be suspended or deferred under conditions imposed by the court;

c. Grant appropriate alternative relief ordering the

defendant to abate or cease the violation;

d. Authorize the city to abate or correct the violation;
and,

e. Order that the city's costs for abatement or correction of violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both.

10. All other applicable provisions of Iowa Code Section 364.22 shall apply to cases brought under this section.

130.110 Penalty. Anyone who violates any of the provisions of this chapter shall be subject, upon conviction, to imprisonment not exceeding thirty days, or a fine not exceeding two hundred dollars.

130.120 Injunction and Other Relief. In addition to the other remedies set out in this chapter, including the penalty set out in Section 13.110 or without seeking such penalty or as an alternative, the city may request the Iowa District Court for Monroe County to issue an injunction restraining any violation of the terms of this chapter or authorizing the city to remove the dilapidated building, clean up the debris, and fill any basement or holes left by the removal. The city may recover its costs, including reasonable attorney fees from the property owner, and all sums used by the city to repair, rehabilitate or demolish and remove the building and clean up the debris.

130.130 Severability. If any section, provision, or part of this chapter shall be adjudged to be invalid, or unconstitutional, such adjudication shall not affect the validity of the chapter as a whole, or any section, provision, or part thereof not adjudged invalid or unconstitutional.

TITLE V - BUILDING AND PROPERTY REGULATIONS
BUILDING STANDARDS
Chapter 131
CONSTRUCTION PERMITS

- 131.01 Administrative Officer
- 131.02 Duties
- 131.03 Records and Reports
- 131.04 Permits Required
- 131.05 Application
- 131.06 Plans and Specs
- 131.07 Construction Hazard
- 131.08 Flood Damage
- 131.09 Flood Hazards
- 131.10 Requirements
- 131.11 Council Review
- 131.12 Issuance of Permit
- 131.13 Retention of Plans
- 131.14 Expiration
- 131.15 Suspension Revocation
- 131.16 Fee
- 131.17 Inspection
- 131.18 Standards
- 131.19 Enforcement
- 131.20 Assessment
- 131.21 Violations

131.01 ADMINISTRATIVE OFFICER APPOINTED. The administrative officer shall be appointed by the Council.

131.02 ADMINISTRATIVE OFFICER. The administrative officer is authorized and directed to enforce all the provisions of this chapter and all other ordinances of the City relating to zoning, subdivision regulations or building codes.

131.03 RECORDS AND REPORTS. The administrative officer shall submit a report to the Council not less than once a year covering work during the preceding year. The administrative officer shall keep a permanent accurate account of all fees and other monies collected and received, the names of the persons upon whose accounts the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

131.04 PERMITS REQUIRED. No person firm or corporation shall erect, demolish, construct, enlarge, remove, or improve any building or structure in the City, or cause the same to be done, without first obtaining a separate construction permit for each such building or structure from the administrative officer.

131.05 APPLICATION. To obtain a permit, the applicant shall first file an application thereof in writing on a form furnished for that purpose. Every such application shall contain the following:

1. Description of Work. Identify and describe the work to be covered by the permit for which application is made.

2. Location. Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will identify and definitely locate the proposed building or work.

3. Use. Indicate the use or occupancy for which the proposed work is intended.

4. Plans and Specifications. Be accompanied by plans and specifications as required in Section 131.06 of this chapter.

5. Valuation. State the valuation of the proposed work.

6. Signed. Be signed by the property owner, or authorized agent, who may be required to submit evidence to indicate such authority.

7. Other Conformation. Give such other information as reasonably may be required by the administrative officer; including but not limited to information regarding utilities connections, construction hazards and terrain after construction is completed.

131.06 PLANS AND SPECIFICATIONS. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provision of this chapter and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the house and street address of the work and the names and address of the owner and person who prepared them. Plans shall include a plot plan showing the location of the proposed building and of every existing building on the property. In lieu of detailed specifications, the administrative office may approve references on the plans to a specific section or part of this chapter or other ordinances or laws.

131.07 REVIEW: CONSTRUCTION HAZARDS. The administrative officer, when reviewing the application for construction permits, will review all plans and specifications to determine if any open

and obvious dangers will be left after said construction is completed. Open and obvious dangers include but are not limited to open pits, standing water of more than 1 cubic foot and uncapped utilities. The administrative officer may require such open and obvious hazards be removed before construction is complete.

131.08 REVIEW: FLOOD DAMAGE. The administrative officer when reviewing the applications for construction permits, including the plans and specifications for the proposed construction, will review all construction permit applications to determine if the proposed construction is consistent with the need to minimize flood damage.

131.09 REVIEW: FLOOD HAZARDS. The administrative officer shall review all construction permit applications to determine if the site of the proposed construction is reasonably safe from flooding and to make recommendations for construction in all locations which have flood hazards.

131.10 CONSTRUCTION REQUIREMENTS. The administrative officer in reviewing all applications for construction in flood hazard locations within the City shall require that any such proposed construction must:

1. Movement of Structure. Be designed and anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding.

2. Materials. Use construction materials and utility equipment that are resistant to flood damage.

3. Methods. Use of construction methods and practiced that will minimize flood damage.

4. Drainage. Provide adequate drainage in order to reduce exposure to flood hazards.

5. Location of Utilities. Locate public utilities and facilities on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical and water systems.

131.11 COUNCIL REVIEW. The Council, in reviewing all subdivision applications, shall make finding of fact and determine if:

1. Flood Damage. All such proposed developments are consistent with the need to minimize flood damage.

2. Drainage. Adequate drainage is provided so as to reduce exposure to flood hazards.

3. Adjacent Lands. Adequate drainage is provided so as not to increase the exposure to flood hazards of adjacent lands.

4. Location of Utilities. All public utilities and facilities are located, and constructed so as to minimize or eliminate flood damage, these utilities and facilities to include sewer, gas, electrical and water systems.

5. Water System. The administrative officer shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters and required on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

131.12 ISSUANCE OF PERMIT. The application, plans and specifications filed by an applicant for a permit shall be checked by the administrative officer. Such plans may be reviewed by other departments of the City to check compliance with the laws and ordinances under their jurisdiction. If the administrative officer is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this chapter and other pertinent laws and ordinances and that the fee specified herein has been paid, the permit therefor shall be issued to the applicant.

131.13 RETENTION OF PLANS. One set of approved plans, specifications, and computations shall be retained by the administrative officer for a period of not less than ninety (90) days from the date of completion of the work covered therein.

131.14 EXPIRATION. Every permit issued by the administrative officer under the provisions of this chapter shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within one hundred twenty (120) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit shall be first obtained so to do, and no fee therefore shall be required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further, that such suspension or abandonment has not exceeded one year.

131.15 SUSPENSION OR REVOCATION. The administrative officer may, in writing, suspend or revoke a permit issued under provision of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this chapter.

131.16 FEE. A fee in the amount of one percent (1%) of the total project, not to exceed five hundred (\$500.00) dollars, shall be paid to the administrative office at the time the application for construction permit is submitted to the administrative officer.

131.17 INSPECTION. All construction or work for which a construction permit is required shall be subject to inspection by the administrative officer. A survey of the lot may be required by the administrative officer to verify compliance of the structure with approved plans. No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the administrative officer, which approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required in Section 131.18 of this chapter.

131.18 CONSTRUCTION STANDARDS. Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the administrative officer. The administrative office, upon notification from the permit holder or agent, shall make the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or agent wherein the same fails to comply with this chapter.

1. Foundation Inspection. The foundation inspection is to be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job. Where concrete from a central mixing plant (commonly termed "transit mixed") is to be used, materials need not be on the job.

2. Frame Inspection. The frame inspection is to be made after the roof, all framing, fire-blocking, and bracing are in place and all pipes, chimneys, and vents are complete.

3. Lath and/or Wallboard Inspection. The lath and/or wall board inspection is to be made after all lathing and/or plastering is applied or before wallboard joints and fasteners are taped and finished.

4. Final Inspection. Final inspection is to be made after building is completed and ready for occupancy.

131.19 ENFORCEMENT. Every structure, building, fill or development placed or maintained within any flood plain in violation of this section is a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the City. The City may immediately seek relief by filing a criminal or civil action for a violation of the City Code in the Iowa District Court. Failure to construct according to the plans submitted is a violation of this section and is a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the City. If the violation is for failing to follow construction plans regarding construction hazards, the City may choose instead of abatement action to correct the hazard as specified in the plans immediately.

131.21 ASSESSMENT OF COSTS. If the City uses City employees to correct the construction hazard as allowed under Section 131.19, a fee of \$100.00 an hour for any hours worked by City employees shall be assessed and added to the costs incurred. Costs incurred under section 131.20 and 131.21 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 lot or parcel of property, and shall be certified to the County Auditor for collection in the manner provided for other taxes.

131.22 CONTINUING VIOLATIONS PENALTY. Each day during which such violations listed in Sections 131.19 and 131.20 exist is a separate offense.

Chapters 132-139 are reserved for future use.

TITLE V - BUILDING AND PROPERTY REGULATIONS
CHAPTER 140
TREES - GENERAL PROVISIONS

- 140.01 Purpose
- 140.02 Definitions
- 140.03 Planting Restrictions
- 140.04 Duty to Trim Trees
- 140.05 Assessment
- 140.06 Trimming Trees to be Supervised
- 140.07 Removal of Trees

140.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Trees is to beautify and preserve the appearance of the City by regulation and providing for the planting, care and removal of trees.

140.02 DEFINITIONS. For use in these chapters, the following terms are defined:

1. "Parking": shall mean that part of the street, avenue, or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

2. "Superintendent": shall mean the superintendent of streets or such other person as may be designated by the Council.

140.03 PLANTING RESTRICTIONS. No tree shall be planted in any street or parking except in accordance with the following:

1. Alignment. All trees hereafter planted in any street shall be planted in the parking, midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line eight (8) 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 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, or evergreens.

140.04 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.

140.05 ASSESSMENT. If the abutting property owner fails to trim the trees as required in this chapter, the City may serve on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within the 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[2d & e])

140.06 TRIMMING TREES TO BE SUPERVISED. It shall be 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.

140.07 REMOVAL OF TREES. The superintendent shall remove, on order of the Council, any tree on the streets of a City which interfere with the making of improvements or with travel thereon. The superintendent shall additionally remove any trees on the streets, not on private property, which have become diseased, or which constitute a danger to the public, or which may otherwise be declared a nuisance. (Code of Iowa, Sec. 364.12 [2c])

TITLE V - BUILDING AND PROPERTY REGULATIONS
CHAPTER 141
TREES - DUTCH ELM DISEASE CONTROL

- 141.01 Trees Subject to Removal
- 141.02 Duty to Remove Property
- 141.03 Inspection
- 141.04 Removal from City Property
- 141.05 Removal from Private

141.01 TREES SUBJECT TO REMOVAL. The Council, having determined that the health of the elm trees within the City is threatened by a fatal disease known as the Dutch Elm Disease, hereby declares the following shall be removed: (Code of Iowa, Sec. 364.12[3b])

1. Living or Standing Trees. Any living or standing elm tree or park thereof infected with the Dutch Elm Disease fungus or which harbors any of the elm bark beetles, that is scolytus multistriatus (eichb.) or hylurgopinus rufipes (marsh.).

2. Dead Trees. Any dead elm tree or part thereof including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

141.02 DUTY TO REMOVE. No person or entity shall permit any tree or material as defined in Section 141.01 to remain on the premises owned, controlled or occupied by such person or entity within the City. (Code of Iowa, Sec. 364.12[3b])

141.03 INSPECTION. The superintendent shall inspect or cause to be inspected all premises and places within the City to determine whether any condition as defined in Section 141.01 exists thereon, and shall also inspect or cause to be inspected any elm tree reported or suspected to be infected with the Dutch Elm Disease or any elm bark bearing material reported or suspected to be infected with the elm bark beetles.

141.04 REMOVAL FROM CITY PROPERTY. If the superintendent, upon inspection or examination, shall determine that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property, within the City and that danger to other elm trees within the City is eminent, the superintendent shall immediately cause such conditions to be corrected so as to destroy or prevent as fully as possible the spread of Dutch Elm Disease or the insect pests or vectors known to carry such disease fungus.

141.05 REMOVAL FROM PRIVATE PROPERTY. If the superintendent, upon inspection or examination, shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises and that the danger to other elm trees within the city is imminent, the superintendent shall immediately notify, by certified mail, the owner, occupant or person in charge of such 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 as provided in Chapter 56. If the superintendent is unable to determine with reasonable certainty whether or not a tree is or upon private premises is infected with Dutch Elm Disease, the superintendent is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

TITLE V - BUILDING AND PROPERTY REGULATIONS
CHAPTER 142
ABANDONED VEHICLES

- 142.01 Definitions
- 142.02 Authority to Take Possession of Abandoned Vehicles
- 142.03 Notice by Mail
- 142.04 Notification in Newspaper
- 142.05 Extension of Time
- 142.06 Fees for Impoundment
- 142.07 Disposal of Operable Vehicles
- 142.08 Disposal of Inoperable Vehicles
- 142.09 Proceeds from Sale
- 142.10 Duties of Demolisher

142.01 DEFINITIONS. For used in this chapter the following terms are defined:

1. "Abandoned Vehicle": shall mean any of the following:
(Code of Iowa, Sec. 321.89[1a])

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, or

b. A vehicle that has remained illegally on public property for more than twenty-four (24) hours, or

c. A vehicle that has been unlawfully parked on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours, or

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, or

e. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.

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

vehicle.

2. "Demolisher": shall mean any city or public agency organized for the disposal of solid waste, or any person 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": shall mean the Iowa Highway Safety Patrol or any law enforcement agency of a county or city. (Code of Iowa, Sec. 321.89[1c])

142.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority may and on the request of any other authority having the duties of control of highway or traffic, shall take into custody any abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. A police authority taking into custody an abandoned vehicle determined to create a traffic hazard shall report the reasons constituting the hazard in writing to the appropriate authority having duties of control of the highway. The police authority may employ its own personnel, equipment and facilities or hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. (Code of Iowa, Sec. 321.89[2])

142.03 NOTICE BY MAIL. The police authority which 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 their last known address of record, that the abandoned vehicle has been taken into custody.

1. Notice shall be deemed given when mailed. The notice shall describe the year, make, model, and serial 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 twenty-one (21) days after the effective date of the notice upon payment of all towing preservation, and storage charges resulting from placing the vehicle in custody.

2. The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title, claim and interest in the vehicle to a demolisher.

3. 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 police authority 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.

4. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle within the twenty-one (21) day reclaiming period, the owner and lienholders shall no longer have any right, title, claim, or interest in or to the motor vehicle.

5. No court in any case in law or equity shall recognize any right, title, claim or interest of the owner and lienholders after the expiration of the twenty-one (21) day reclaiming period. (Code of Iowa, Sec. 321.89[3a])

142.04 NOTIFICATION IN NEWSPAPER. If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and address of 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 142.03. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 142.03. (Code of Iowa, Sec. 321.89[3b])

142.05 EXTENSION OF TIME. The owner or any lienholders may, by written request delivered to the police authority prior to the expiration of the twenty-one (21) day reclaiming period, obtain an additional fourteen (14) days within which the motor vehicle may be reclaimed. (Code of Iowa, Sec. 321.89[3c])

142.06 FEES FOR IMPOUNDMENT. The owner or lienholder shall pay three dollars (\$3.00) 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 resolution of the Council. (Code of Iowa, Sec. 321.89[3a])

142.07 DISPOSAL OF OPERABLE VEHICLES. If any abandoned motor vehicle which is operable has not been reclaimed as provided herein, the police authority 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])

142.08 DISPOSAL OF INOPERABLE ABANDONED VEHICLES. Inoperable abandoned vehicles shall be disposed of as follows:

1. Disposal by City. Any totally inoperable abandoned vehicle or any such inoperable vehicle left on private property, by other than the owner or person in charge of the private property shall be disposed of by the police authority provided in Section 142.07. A sale to a demolisher shall not require the notification procedures or public auction, but an endeavor shall be made to obtain as much compensation as possible to defray any cost to the City. (Code of Iowa, Sec. 3231.89[4])

2. Disposal by Other Persons. A person or this City or other unit of government 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 certification is faulty, lost or destroyed, may, without notification procedures, dispose of such motor vehicle if it lacks an engine, or two (2) or more wheels, or other structural part that renders the vehicle totally inoperable, to a demolisher for junk without the title. (Code of Iowa, Sec. 321.90[2e])

142.09 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 reimbursement fund of the Iowa Department of Public Safety. Where the sale of any vehicle fails to realize the amount necessary to meet costs, the police authority shall apply for reimbursement from the Department of Public Safety. (Code of Iowa, Sec. 321.89[4])

142.10 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. When a demolisher acquires a motor vehicle under Section 142.08, demolisher shall apply to the police authority for a certificate to demolish the vehicle. The application shall include the name and address of the applicant, the year, make, model and serial number of the motor vehicle. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender the auction sales receipt or certificate of authority to dispose of or demolish a motor

vehicle to the State Department of Public Safety for cancellation.
(Code of Iowa, Sec.321.90[3a])

TITLE V - BUILDING AND PROPERTY REGULATIONS
CHAPTER 142A
ABANDONED PROPERTY

- 142A.01 Definitions
- 142A.02 Abandoned Property Declared Nuisance
- 142A.03 Removal of Abandoned Property
- 142A.04 Custody of Abandoned Property; Expenses
- 142A.05 Notice by Mail
- 142A.06 Notification in Newspaper
- 142A.07 Disposition of Abandoned Property

142A.01 DEFINITIONS. For use in this chapter the term "abandoned property" shall mean property of any kind which has been left or placed on any street, alley, public place or private property without the consent of the owner thereof.

142A.02 ABANDONED PROPERTY DECLARED NUISANCE. No person shall abandon, leave or place in any street, alley or public place, property of any kind. Any property so abandoned, left or places in any such street, alley, or public place, and any property abandoned left or placed by any person on any private property is declared to be a public nuisance and an obstruction and a menace to the public welfare, comfort, safety and health.

142A.03 REMOVAL OF ABANDONED PROPERTY. The Mayor or an authorized representative shall look after the removal of the obstruction and abatement of such nuisance as soon as possible after receiving a report.

142A.04 CUSTODY OF ABANDONED PROPERTY EXPENSES. The Mayor or authorized representative shall take possession of any article of property abandoned, left or placed on public or private property, under the provisions of Section 142A.02 and 142A.03 of this chapter and if the same is believed to have any value to keep it an attempt to find the owner thereof. The Mayor or authorized representative shall maintain a place to keep any such article until it shall be claimed or otherwise disposed of. The City shall have a lien thereon for the reasonable expenses incurred and value or costs of the time and effort necessary in taking, removing, and storing the article, and for the value of the storage and may retain possession until any and all liens are discharged.

142A.05 NOTICE BY MAIL. The Mayor or authorized representative shall notify, within twenty (20) days from the date an article is taken into custody, by certified mail, the last known owner of the abandoned property, all lienholders of record, and any other known

claimant addressed to their last known address of record, advising them that the article has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the article which has been taken into custody, set forth the location of the facility where the article is being held, and inform the persons within sixty (60) days after the effective date of the notice upon payment of all charges in connection with the placement of the article in custody. The notice shall also state that the failure of the owner or lienholders to exercise the right to reclaim the article within the time provided shall be deemed a waiver by the owner or lienholders of all right, title, claim and interest in the article and that the failure to reclaim the article is deemed consent to the sale of the article pursuant to this chapter.

142A.06 NOTIFICATION IN NEWSPAPER. If the identity of the owner cannot be determined, or if it is impossible to determine with reasonable certainty the identity and address of all lienholders and claimants, notice by one publication in one newspaper of general circulation in the area where the article was abandoned shall be sufficient to meet all requirements of notice under Section 142A.05.

142A.07 DISPOSITION OF ABANDONED PROPERTY. If any abandoned property as referred to in Section 142A.01, 142A.02, 142A.03 and 142A.04 of this chapter has been or is kept for sixty (60) days or more without being claimed, and notice has been provided as set out in Section 142A.05 or 142A.06, it may be disposed of by the Mayor or authorized representative. Should the Mayor elect to sell the property it may be sold ten (10) days after notice of the proposed sale has been given by one publication in a newspaper of general circulation in the area where the article will be sold. The City may be a bidder at the sale. If at any such sale, an amount is bid in excess of the charges or lien of the City, the excess shall be used at the discretion of the Mayor.

TITLE V - BUILDING AND PROPERTY REGULATIONS
CHAPTER 143
INOPERABLE VEHICLES AND JUNK

- 143.01 Definitions
- 143.02 Inoperable Vehicles and unk a Nuisance
- 143.03 Exceptions
- 143.04 Notice to Abate

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

1. "Inoperable Vehicle": shall mean any motor vehicle, recreational vehicle, boat, motorcycle, trailer, or semi-trailer stored within the corporate limits of the City, not licensed for the current year as required by law or which because of any one of the following characteristics, constitutes a threat to the public health and safety:

A. Broken or Missing Glass. Any vehicle with a broken or missing windshield or window.

B. Broken, Loose or Missing Part. Any vehicle with a broken, loose or missing fender, door, hood, steering wheel, engine, transmission, or trunk top.

C. Habitat for Nuisance Animals or Insects. Any vehicle or piece of machinery which has become the habitat for rats, mice, or snakes, or any other vermin or insects.

D. Flammable Fuels or other Hazardous Materials. Any vehicle or machinery which is being used as a storage repository for flammable fuel, toxic chemicals, or other hazardous materials.

2. "Junk" shall mean all old or scrap copper, brass, lead or any other non-ferrous metal; old rope, rags, batteries, paper, trash, rubber debris, waste, used lumber, or salvaged wood; dismantled vehicles or parts of such vehicles, including, but not limited to fenders, doors, bumpers, hoods, trunk tops, upholstery, running boards, engines, transmissions, tires and tail pipes; machinery or appliances; iron, steel or other tinware, plastic or old or discarded household goods or hardware.

143.02 INOPERABLE VEHICLES AND JUNK A NUISANCE. No person shall park, place, keep or store or permit the parking or storage of a stock car, racing car, demolition derby car, inoperable vehicle,

vehicle component parts or other junk and debris on any public or private property unless such parking, placing and keeping or storing is excepted by Section 143.03. The parking, placing, keeping or storing of a stock car, racing car, demolition derby car, inoperable vehicle, vehicular component parts or other junk and debris on any public or private property 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 such property is stored upon private property in violation hereof, the owner or person in control of the property upon which it is stored shall be prima facie liable for said violation.

143.03 EXCEPTIONS. The provisions of this chapter shall not apply to inoperable vehicle or junk stored within:

1. Inoperable vehicles or junk stored within a garage or other completely enclosed structure.

2. Demolition derby cars being prepared for the Monroe County Fair. Such vehicles shall be exempt from the provisions of this ordinance for a period not to exceed 3 week(s) before to 1 week(s) after the Monroe County Fair. No more than two cars per property shall be permitted.

3. A Salvage or Junk Yard. An auto salvage yard or junk yard lawfully operated within the corporate limits of the City.

4. An Automobile Dealer, Repair Shop, Garage, Tire Shop, or Body Shop. Any automobile dealer, repair shop, garage, tire shop, or body shop duly licensed and operated in compliance with all applicable codes and ordinances of the city may temporarily store or park inoperable vehicles on their premises that are being repaired or awaiting repair.

143.04 NOTICE TO ABATE. Upon discovery of any inoperable motor vehicle, junk, stock car, racing car, demolition derby car, vehicular component part or debris stored upon private property in violation of Section 143.02, the Mayor or an authorized representative shall initiate abatement procedures as outlined in Section 56.01 through 56.09 of this Code of Ordinances. The City may immediately seek relief by filing a criminal or civil action for a violation of the City Code in the Iowa District Court.

Chapter 144 is reserved for future use.

TITLE V - REGULATION OF BUSINESS AND VOCATIONS
BEER, LIQUOR AND WINE CONTROL
CHAPTER 145
GENERAL PROVISIONS

- 145.01 Definitions
- 145.02 General Prohibition
- 145.03 Persons Under Legal Age
- 145.04 Public Consumption or Intoxication
- 145.05 Open Container on Streets and Highways
- 145.06 Treatment for Intoxicated Persons
- 145.07 Protective Custody

145.01 DEFINITIONS. Where words and phrases used in the Chapters of this Code of Ordinances pertaining to Beer, Liquor, and Wine Control are defined by State law, such definition shall apply to their use in these chapters and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and to other words and phrases used herein, shall have the following meanings:

1. "Administrator": shall mean the administrator of the alcoholic beverage division of the Iowa Department of Commerce, or his designee. (Code of Iowa, Sec. 123.3)

2. "Club": shall mean any nonprofit corporation or association of individuals, which is the owner, lessee or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the entire membership. (Code of Iowa, Sec. 123.3)

3. "Commercial establishment": shall mean a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time, and the licensed premises of which conform to the standards and specifications of the Division and to the ordinances of the City. (Code of Iowa, Sec. 123.3)

4. "Division": shall mean the alcoholic beverages division of the Iowa Department of Commerce. (Code of Iowa, Sec. 123.3)

5. "Grocery store": shall mean any retail establishment, the business of which consists of the sale of food products or beverages for consumption off the premises. (Code of Iowa, Sec. 123.129)

6. "Hotel or Motel": shall mean a premises licensed by the

State Department of Inspections and Appeals and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty (20) or more sleeping rooms. (Code of Iowa, Sec. 123.3 [32])

7. "Legal age": shall mean the age defined in Chapter 123 of the Iowa Code. (Code of Iowa, Sec. 123.3)

8. "Person of Good Moral Character": shall mean any person who meets all of the following requirements:

a. Has such financial standing and good reputation as will satisfy the Council and the Administrator that the person will comply with the Iowa Alcoholic Beverage Control Act and all other laws, ordinances, and regulations applicable to his operation under State law.

b. Does not possess federal gambling stamp.

c. Is not prohibited by the provisions of Section 146.24 from obtaining a liquor license or a wine or beer permit.

d. Is a citizen of the United States and a resident of Iowa, or licensed to do business in Iowa in the case of a corporation.

e. Has not been convicted of a felony. However, if the person's conviction of a felony occurred more than five (5) years before the application for a license or permit, and if the person's rights of citizenship have been restored by the Governor, the Administrator or the Council may determine that the person is of good moral character notwithstanding such conviction.

f. If such person is a corporation, partnership, association, club, or hotel or motel, the requirements of this subsection shall apply to each of the officers, directors and partners of such person, and to any person who directly or indirectly owns or controls ten percent (10%) or more of any class of stock of such person or has an interest of ten percent (10%) or more in the ownership or profits of such person. For the purpose of this provision, an individual and the individual's spouse shall be regarded as one person. (Code of Iowa, Sec. 123.3)

9. "Pharmacy": shall mean a drug store in which drugs and

medicines are exposed for sale and sold at retail, or in which prescription of licensed physicians and surgeons, dentists or veterinarians are compounded and sold by a registered pharmacist. (Code of Iowa, Sec. 123.3(35))

145.02 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 terms, conditions, limitations, and restrictions enumerated in State law and this Code of Ordinances. (Code of Iowa, Sec. 123.2)

145.03 PERSONS UNDER LEGAL AGE. A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that person to be under legal age, and a person or persons under legal age shall not individually or jointly have alcoholic liquor, wine, or beer in their possession or control; except in the case of liquor, wine or beer given or dispensed to a person under legal age within a private home and with the knowledge and consent of the parent or guardian for beverage or medical purposes or as administered to the person by either a physician or dentist for medical purposes and except to the extent that a person under legal age may handle alcoholic beverages, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under State laws. (Code of Iowa, Sec. 123.47)

145.04 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)

145.05 OPEN CONTAINER ON STREET AND HIGHWAYS. A person driving a motor vehicle shall not knowingly possess in a motor vehicle upon a public street or highway an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage, wine, or beer with the intent to consume the alcoholic beverage, wine or beer while the motor vehicle is upon a public street or highway. Evidence that an open or unsealed receptacle containing an alcoholic beverage or beer was found during an authorized search in the glove compartment, utility compartment, console, front passenger seat, or any unlocked portable device and within the immediate reach of the driver while the motor vehicle is upon a public street or highway is evidence from which the court or jury may infer that the driver intended to consume the alcoholic beverage or beer while upon the public street or highway if the inference is supported by corroborative evidence. However, an open or unsealed receptacle containing an alcoholic beverage or beer may be transported at any time in the trunk of the motor vehicle or in some other area of the interior of the motor vehicle not designated or intended to be occupied by the driver and not readily accessible to the driver while the motor vehicle is in motion. A person convicted of a violation of this paragraph is guilty of a simple misdemeanor punishable by a scheduled fine under section

805.8(10)b) of the Iowa Code. (Code of Iowa, Sec. 321.284)

145.06 TREATMENT FOR INTOXICATED PERSONS. A person who appears to be intoxicated or incapacitated by a chemical substance in a public place and in need of help shall be taken to a licensed treatment facility by a peace officer. If the person refuses the offered help, the person may be arrested and charged with intoxication. If no licensed treatment facility is readily available the person may be taken to an emergency medical service customarily used for incapacitated persons. (Code of Iowa, Sec. 125.34 [2])

145.07 PROTECTIVE CUSTODY. The person being taken to a treatment facility is in protective custody and is not under arrest and no entry or other record shall be made to indicate that the person has been arrested or charged with a crime. (Code of Iowa, Sec. 125.34 [2]).

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS
BEER, LIQUOR AND CONTROL

CHAPTER 146
BEER, LIQUOR, AND WINE PERMITS

- 146.01 License or Permit Required
- 146.02 Nature of License or Permit
- 146.03 Beer Permits-Classes
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- 146.05 Application
- 146.06 Application; Where Filed
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- 146.08 Civil Liability
- 146.09 Separate Locations- Retail Beer and Wine Sales
- 146.10 Investigation
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- 146.12 Seasonal or 14-Day Permits
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- 146.15 Refunds
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- 146.18 Prohibited Sales and Acts
- 146.19 Optional Suspension or Revocation
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- 146.21 Hearing on Suspension or Revocation
- 146.22 Division Notified
- 146.23 Appeal to State and Court
- 146.24 Effect of Revocation

146.01 LICENSE OR PERMIT REQUIRED. It is unlawful for any person to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of this Code of Ordinances and State law. (Code of Iowa, Sec. 123.2 and 123.171)

146.02 NATURE OF LICENSE OR PERMIT. A liquor control license, wine permit or beer permit is a personal privilege and is revocable for cause. It is not property, nor is it subject to attachment and execution, nor alienable, nor assignable, and it shall cease upon the death of the permittee or licensee. However, the Administrator has the discretion to allow the executor or administrator of a permittee or license to operate the business of the decedent for a reasonable time not to exceed the expiration date of the permit or

license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use it. (Code of Iowa, Sec. 123.38)

146.03 BEER PERMITS - CLASSES. Beer permits shall be classes as follows:

1. Class "B": A class "B" beer permit shall allow the holder to sell beer at retail for consumption on or off the premises. (Code of Iowa, Sec. 123.124 & 123.131)

2. Class "C": A class "C" beer permit shall allow the holder to sell beer at retail for consumption off the premises only. Such sale shall be in original containers only. No class "C" permit shall be issued to any person except the owner or proprietor of a grocery store or pharmacy. (Code of Iowa, Sec. 123.124 & 123.129)

146.04 LIQUOR LICENSE - CLASSES. Liquor control licenses shall be classes as follows:

1. Class "A": A class "A" liquor control license issued to a club shall authorize the holder to purchase alcoholic liquors from Class "E" liquor control licensees only, wine from Class "A" wine permittees only, and native wines from native wine manufacturers and to sell liquors, wine, and beer, to bona fide members and their guests by the individual drink for consumption on the premises only. (Code of Iowa, Sec. 123.30 [3a])

2. Class "B": A class "B" liquor control license issued to a hotel or motel shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees only, wine from native wine manufacturers; and to sell liquors, wine, and beer to patrons by the individual drink for consumption on the premises only; however, beer may also be sold for consumption off the premises. Each such license shall be effective throughout the premises described in the application. (Code of Iowa, Sec. 123.30 [3b])

3. Class "C": A class "C" liquor control license issued to a commercial establishment must be issued in the name of the individual or individuals who actually own the entire business and shall authorize the holder or holders to purchase alcoholic liquors from class "E" liquor control licensees only, wine from class "A" wine permittees only and native wine from native wine manufacturers; and to sell liquors, wine, and beer to patrons by the individual drink for consumption on the premises only; however, beer may also be sold for consumption off the premises.

4. Class "C" - wine: A special class "C" liquor control license may be issued and shall authorize the holder to purchase wine from class "A" wine permittees only, and to sell wine and beer to patrons by the individual drink for consumption on the premises only; however, beer may also be sold for consumption off the premises. The license issued to holders of a special class "C" license shall clearly state on its face that the license is limited. (Code of Iowa, Sec. 123.30 [3c])

5. Class "E": A class "E" liquor control license may be issued and shall authorize the holder to purchase alcoholic liquor from the Division only and to sell the alcoholic liquor to patrons for consumption off the licensed premises and to the liquor control licensees. A class "E" license shall not be issued to a premises at which gasoline is sold. A holder of a class "E" liquor control license may hold other retail liquor control licenses or retail wine or beer control permits, but the premises license under a class "E" liquor control license shall be separate from other licensed premises. However, the holder of a class "E" liquor control license may also hold a class "B" wine or class "C" beer permit or both for the premises licensed under a class "E" liquor control license. (Code of Iowa, Sec. 123.30 [3c])

6. Class "B" Wine Permits. A Class "B" wine permit allows the holder to sell wine at retail for consumption off the premises. (Code of Iowa, Sec. 123.173)

146.05 APPLICATION. A verified application for the original issuance or the renewal of a liquor control license, a beer permit or a wine permit shall be filed at such time, in such number of copies and in such form as the Administrator shall prescribe, on forms prescribed by the Administrator. (Code of Iowa, Sec. 123.31 and 12.176)

146.06 APPLICATION - WHERE FILED. An application for a class "A", class "B", class "C" or class "E" liquor control license, for a retail beer permit or for a class "B" retail wine permit accompanied by the necessary fee or bond, if required, shall be filed with the Council for approval or disapproval. The council's approval or disapproval, endorsed upon the application, shall then be forwarded along with the necessary fee and bond, if required, to the Administrator.

146.07 CONDITIONS. No liquor control license or beer permit shall be approved unless:

1. Character of Applicant. The applicant is a person of good moral character as defined in Chapter 145 and in the case of a

club, corporation or partnership, the officers of the club or corporation and the partners of a partnership are of good moral character as defined by said chapter. (Code of Iowa, Sec. 123.30 [1])

2. Right of Entry. The applicant gives consent in writing on the application that members of the Fire and Police Department and any other City official authorized by the State law may enter upon the premises without warrant to inspect for violations of the provisions of State law and of this Code of Ordinances. (Code of Iowa, Sec. 123.30 [1])

3. Access to Residential or Sleeping Quarters. No interior access to residential or sleeping quarters is permitted or maintained unless permission is granted by the Administrator in the form of a living quarters permit. (Code of Iowa, Sec. 123.30 [2])

4. Location of Premises. The premises are located within areas where such businesses are, or hereafter are, permitted by a valid zoning ordinance. (Code of Iowa, Sec. 123.128 [1b] and 123.128 [2])

5. Conform to Applicable Laws. The premises conform to all applicable law, ordinances, resolutions and health and fire regulations. (Code of Iowa, Sec. 123.30 [2] and 123.128 [2])

6. Seating Capacity. With respect to a class "B" beer permit or a class "C" liquor control license, the premises are, at the time of the application and continue to be, equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time. (Code of Iowa, Sec. 123.128 [1b] and 123.30 [1])

146.08 CIVIL LIABILITY. Every liquor control licensee and class "B" beer permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy or by posting bond in such amount as determined by the Division. (Code of Iowa, Sec. 123.92)

146.09 SEPARATE LOCATIONS- RETAIL BEER AND WINE SALES. Every person holding a class "B" or class "C" beer permit or a class "B" wine permit having more than one place of business where such beer or wine is sold shall be required to have a separate license for each separate place of business, except as otherwise provided by State law. (Code of Iowa, Sec. 123.140 and 123.178 [2])

146.10 INVESTIGATION. Upon receipt of an original 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 shall be 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 [2])

146.11 LICENSE AND PERMIT FEES. Fees shall be submitted with applications in accordance with State law or regulation. (Code of Iowa, Sec. 123.34, 123.36, 123.134 and 123.179)

146.12 SEASONAL OR FOURTEEN-DAY PERMITS. Six (6) or eight (8) month seasonal licenses, wine permits or beer permits and fourteen (14) day permits may be issued as provided by State law. No seasonal license or permit shall be renewed except after a period of two (20) months. (Code of Iowa, Sec. 123.4)

146.13 ACTION BY COUNCIL. Action taken by the Council shall be so endorsed on the application and thereafter the application, fee and bond shall be forwarded to the Division for such further action as is provided by law. (Code of Iowa, Sec. 123.32 [2])

146.14 EXPIRATION OF LICENSE OR PERMIT. All liquor control licenses, wine permits, and beer permits, unless sooner suspended or revoked, shall expire one year from date of issuance. Sixty (60) days notice of such expiration must be given in writing by the Administrator. (Code of Iowa, Sec. 123.34)

146.15 REFUNDS. Any licensee or permittee, or the licensee's or permittee's executor, or administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of the licensee's or permittee's creditors, may voluntarily surrender a license or permit to the Division and shall notify the City, and the Division or the City shall refund to the person surrendering the license or permit, a proportionate amount of the fee received by the Division or City for the license or permit as follows:

1. If surrendered during the first three (3) months of the period for which it was issued, the refund shall be three-fourths of the amount of the fee;

2. If surrendered more than three (3) months but not more than six (6) months after issuance, the refund shall be one-half of the amount of the fee;

3. If surrendered more than six (6) months but not more than

nine (9) months after issuance, the refund shall be one-fourth of the amount of the fee.

No refund shall be made, however, for a liquor control license, wine permit, or beer permit surrender more than nine (9) months after issuance. No refund shall be made to any licensee or permittee upon the surrender of the license or permit, if there is as at the time of surrender, a complaint filed with the Division or the City, charging the licensee or permittee with a violation of the chapters in this Code of Ordinances pertaining to Beer, Liquor, and Wine control or provision of the Iowa Alcoholic Beverage Control Act. If upon a hearing on a complaint the license or permit is not revoked or suspended, that the licensee or permittee is eligible, upon surrender of the license or permit, to receive a refund; but if the license or permit is revoked or suspended upon hearing the licensee or permittee is not eligible for the refund of any portion of his licenses or permits. (Code of Iowa, Sec. 123.38)

146.16 TRANSFERS. The Council may, in this discretion authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and such transfer will not result in the violation of any law or ordinance. An application for such transfer shall file with the application a transfer fee in the amount of Fifteen Dollars (\$15.00)(Code of Iowa, Sec. 123.38)

46.17 APPLICATION FOR RENEWAL. Upon receipt of an application for the renewal of a liquor license, wine permit, or beer permit, it shall be forwarded to the police chief, who shall conduct an investigation and shall submit a written report as to the truth of the facts contained in the application and a recommendation to the Council as to the approval of the renewal of the license or permit. (Code of Iowa, Sec. 123.35)

146.18 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Intoxicated Persons. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer. (Code of Iowa, Sec. 123.49 [1])

2. Hours of Operation. Sell or dispense any alcoholic liquor, wine, or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of two (2) o'clock a.m. and six (6) o'clock a.m. on a weekday, and between the hour of two (2) o'clock a.m. and ten (10) o'clock a.m. on

Sunday and twelve (12) o'clock midnight on Sunday and six (6) o'clock a.m. on the following Monday, provided that when that Monday is New Year's Day, then such sales or consumption may be permitted between the hours of midnight and two (2) o'clock a.m. on that Monday. (Code of Iowa, Sec. 123.49 [2b] & 123.50)

3. Credit Sales. Sell alcoholic beverages, wine, or beer to any person on credit, except with bona fide credit card. This provision does not apply to sales by a club to its members nor to sales by a hotel or motel to bona fide registered guests. (Code of Iowa, Sec. 123.49 [2c])

4. Employment of Minors. Employ a person under eighteen years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold. (Code of Iowa, Sec. 123.49 [2f])

5. Selling of Alcoholic Beverage to Minors. Sell, give or otherwise supply any alcoholic beverage, wine, or beer to any person, knowing or having reasonable cause to believe the person to be under legal age, or permit any person, knowing or having reasonable cause to believe the person to be under legal age, to consume any alcoholic beverage, wine or beer. (Code of Iowa, Sec. 123.49 [2h])

6. Mixing of Alcoholic Beverage. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine, or any other beverage in or about the permittee's place of business. (Code of Iowa, Sec. 123.49 [2i])

7. Soliciting and Disorderly Conduct. 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. Brand Signs Prohibited. Permit any signs or other matter advertising any brand of beer or wine to be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell alcoholic liquor, beer, or wine at retail. (Code of Iowa, Sec. 12.51)

9. Public Indecent Exposure Prohibited. Allow or permit any of the following: (Code of Iowa, Sec. 728.5)

A. The actual or simulated public performance of any sex act upon or in such licensed premises.

B. The exposure of the genitals or buttocks or female breast of any person who acts as a waiter or waitress.

C. The exposure of the genitals or female breast nipple of any person who acts as an entertainer, whether or not the owner of the licensed premises in which the activity is performed employs or pays any compensation to such person to perform such activity.

D. Any person to remain in or upon the licensed premises who exposes to public view his or her genitals, pubic hair, or anus.

E. The displaying of moving pictures, films, or pictures depicting any sex act or the display of the pubic hair, anus, or genitals upon or in such licensed premises.

Provided that the provision of this subsection shall not apply to a theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and any of the circumstances contained in this section were permitted or allowed as part of such are exhibits or performances.

10. Minors Prohibited. Permit or allow any person under legal age to remain upon licensed premises unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision shall not apply to holders of a Class "C" beer permit only.

146.19 OPTIONAL SUSPENSION OR REVOCATION. Following a written notice and hearing, as provided by this chapter, a liquor license, wine permit or beer permit may be suspended by the Council for a period up to one year for violations of the Code of Ordinances, or suspended for a period up to one year or revoked by the Council for any of the following causes:

1. Misrepresentation. Misrepresentation of any material fact in the application for the license or permit. (Code of Iowa, Sec. 123.39 [1])

2. Violations. Violations of any of the provisions of the Iowa Alcoholic Beverage Control Act. (Code of Iowa, Sec. 123.39 [2])

3. Change in Ownership. Any change in the ownership or interest in the business operated under a class "A", class "B" or class "C" liquor control license, or any wine or beer permit, which change was not previously reported to and approved by the City and the Division. (Code of Iowa, Sec. 123.39 [3])

4. Original Disqualifications. An event which would have resulted in disqualification from receiving the license or permit when originally issued. (Code of Iowa, Sec. 1 23.39 [4])

5. Sale or Transfer. Any sale, hypothecation or transfer of the license or permit. (Code of Iowa, Sec. 123.39 [5])

6. Payment of Taxes. The failure or refusal on the part of any licensee or permittee to render any report or remit any taxes to the Division under the State law. (Code of Iowa, Sec. 123.39 [6])

7. Commission of Prohibited Sale or Act. The conviction of any liquor control licensee, wine permittee or beer permittee for a violation of any of the provisions of Section 123.49 of the Code of Iowa (subject to the provisions of subsection 3 of Section 123.50), or for a violation of any of the provisions of Section 146.18, subject to Section 146.20, is grounds for suspension or revocation of the license or permit by the Division or the City. (Code of Iowa, Sec. 123.50 [2])

146.20 MANDATORY SUSPENSION OR REVOCATION. A license or permit shall be suspended or revoked by the City Council in accordance with the following:

1. Sale to Minors or "Spiking". If any licensee, wine permittee, beer permittee, or employee of a licensee or permittee is convicted of a violation of Section 146.18, subsection 5, or if a retail wine or beer permittee is convicted of a violation of subsection 6 of that section, the City shall, in addition to the other penalties fixed for such violations by this chapter, assess a penalty as follows:

A. Upon a first conviction, the violator's liquor control license, wine permit or beer permit shall be suspended for a period of fourteen (14) days. (Code of Iowa, Sec. 123.50 [3a])

B. Upon a second conviction within a period of two (2) years, the violator's liquor control license, wine permit or beer permit shall be suspended for a period of thirty (30) days. (Code of Iowa, Sec. 123.50 [3b])

C. Upon a third conviction within a period of five (5) years, the violator's liquor control license, wine permit or beer permit shall be suspended for a period of sixty (60) days. (Code of Iowa, Sec. 123.50 [3c])

D. Upon a fourth conviction within a period of five (5) years, the violator's liquor control license, wine permit or beer permit shall be revoked. (Code of Iowa, Sec. 123.50 [3d])

2. Gambling, Solicitation, Disorderly Conduct, Use of Containers. If any liquor control licensee is convicted of any violation of Code of Iowa, Sec. 123.49 (2) ("a", "d" or "e"), or any wine or beer permittee is convicted of a violation of subsection (2), paragraphs "a" or "c" of that section, the liquor control license, wine permit or beer permit shall be revoked and shall immediately be surrendered by the holder, and the bond of the license or permit holder shall be forfeited to the Division. (Code of Iowa, Sec. 123.50 [2])

146.21 HEARING ON SUSPENSION OR REVOCATION. The Council shall conduct a hearing on each suspension or revocation in the following manner: (Code of Iowa, Sec. 123.39)

1. Notice. The permit holder, and the surety on the permit holder's bond, shall be served with written notice containing a copy of the complaint against the permit holder, the ordinance provisions or State statutes allegedly violated and the date, time and place for hearing on the matter.

2. Hearing. The Council shall conduct a hearing, at which both the permit holder and complainants shall be allowed to be present, the purpose of which is to determine the truth of the facts alleged in the complaint. Should the permit holder or authorized representative fail to appear without good cause, the Council may proceed to a determination of the complaint.

3. Rights of Permit Holder. The permit holder shall have the right to be represented by counsel, to testify and present witnesses in the permit holder's own behalf, and to cross-examine adverse witnesses.

4. Evidence. The Council shall admit only reliable and substantial evidence into the revocation or suspension proceeding, and shall give all admitted evidence its natural probative value.

5. Criminal Charges. In the event that criminal charges have

been brought against the permit holder on the same facts and circumstances as are the basis for the revocation or suspension complaint, the Council shall await a judgement in the criminal action before conducting the revocation or temporary suspending hearing required by this section. Neither a conviction nor an acquittal in the criminal action shall be conclusive for purposes of the revocation or suspension proceeding held under this section.

6. Record and Determination. The Council shall make and record findings of facts and conclusions of law, and shall revoke or suspend a permit under this section only when, upon review of the entire record it finds clear and convincing evidence of a substantial violation of this Code of Ordinances or State law.

146.22 DIVISION NOTIFIED. When the Council revokes or suspends a liquor license, wine permit or beer permit, the Division shall be given written notice thereof stating the reasons for the revocation or suspension and the length of same.

146.23 APPEAL TO STATE AND COURT. The right of appeal to the Division hearing board shall be afforded an applicant whose application has been disapproved, or a liquor control licensee, wine permittee or beer permittee whose license or permit has been suspended or revoked. Any applicant, licensee or permittee who feels aggrieved by a decision of the Administrator or City disapproving, suspending or revoking issuance of a liquor control license, wine permit or beer permit may, provided the person has exercised the right of appeal to the hearing board as provided by State law, appeal from said decision in accordance with the provision of the Iowa Administrative Procedure Act or may file a petition for judicial review in the District Court of the County. The City may seek judicial review of a decision of the hearing board in accordance with the terms of the Iowa Administrative Procedure Act within thirty (30) days. (Code of Iowa, Sec. 123.32 [4&5])

146.24 EFFECT OF REVOCATION. Any liquor control licensee, wine permittee or beer permittee whose license or permit is revoked under the Iowa Alcoholic and Beverage Control Act shall not thereafter be permitted to hold a liquor control license, wine permit or beer permit in the State for a period of two (2) years from the date of revocation. A spouse or business associate holding ten percent (10%) or more of the capital stock or ownership interest in the business of a person whose license or permit has been revoked shall not be issued a liquor control license, wine permit or beer permit, and no liquor control license, wine permit or beer permit shall be issued which covers any business in which

such person has a financial interest for a period of two (2) years from the date of revocation. If a license or permit is revoked, the premises which have been covered by the license or permit shall not be re-licensed for one year. (Code of Iowa, Sec. 123.40)

Chapters 147-149 are reserved for future use.

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS
FRANCHISES
CHAPTER 150
NATURAL GAS FRANCHISE

- 150.01 Franchise Granted
- 150.02 Placement of Mains and Pipes
- 150.03 Excavations
- 150.04 Indemnifications of City
- 150.05 Company Service
- 150.06 City Power
- 150.07 Term of Franchise

150.01 FRANCHISE GRANTED. There is hereby granted to INTERSTATE POWER & LIGHT COMPANY, hereinafter referred to as the "Company," its successors and assigns, the right, franchise and privilege for the term of twenty-five (25) years from and after the passage, adoption, approval and acceptance of this Ordinance, to lay down, maintain and operate the necessary pipes, mains and other conductors and appliances in, along and under the streets, avenues, alleys and public places in the City of Albia, Monroe County, Iowa as now or hereafter constituted, for the purpose of distributing, supplying and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa. Prior to the exercise of Company's right of eminent domain for public use or purpose of benefit to the City, Company shall consult with City in advance of the exercise of such right so as to minimize the impact of any such taking. The term "gas" as used in this franchise shall be construed to mean natural gas only.

150.02 PLACEMENT OF MAINS AND PIPES. The mains and pipes of the Company must be so placed as not to interfere unnecessarily with water pipes, drains, sewers and fire plugs which have been or may hereafter be placed in any street, alley and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the laying down, operation and maintenance of said natural gas distribution system.

150.03 EXCAVATIONS. In making any excavations in any street, alley, avenue or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, shall back fill all openings in such manner as to

prevent settling or depressions in surface, and shall replace the surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical and if defects are caused shall repair the same.

150.04 INDEMNIFICATION OF CITY. The Company shall, at its cost and expense, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may 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 orders or requests the Company to relocate its existing facilities or equipment for the primary benefit of a commercial or private project, or as the result of the initial request of a commercial or private developer or other non-public entity, the Company shall receive payment for the cost of such relocation as a precondition to relocating its existing facilities or equipment. The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities. The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Vacating a public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities, until the reasonable cost of relocating the same are paid to the Company.

150.05 COMPANY SERVICE. Said Company, its successors and assigns, shall throughout the term of the franchise distribute to all consumers gas of good quality and shall furnish uninterrupted service, except as interruptible service may be specifically contracted for with consumers; provided, however, that any prevention of service caused by fire, act of God or unavoidable event or accident shall not be a breach of this condition if the Company resumes service as quickly as is reasonably practical after the happening of the act causing the interruption.

150.06 The franchise granted by this Ordinance shall not be exclusive.

150.07 TERM OF FRANCHISE. The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided. This Ordinance sets forth and constitutes the entire agreement between the Company and the

City of Albia with respect to the rights contained herein, and may not be superceded, modified or otherwise amended without the approval and acceptance of the Company. Upon acceptance by the Company, this Ordinance shall supersede, abrogate and repeal the prior gas system ordinance between the Company and the City of Albia as of the date this Ordinance is accepted by the Company. Notwithstanding the foregoing, in no event shall the City of Albia enact any ordinance or place any limitations, either operationally or through the assessment of fees, that create additional burdens upon the Company, or which delay utility operations.

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS
FRANCHISES
CHAPTER 151
ELECTRIC FRANCHISE

- 151.01 Franchise Granted
- 151.02 Public Convenience
- 151.03 Restoration of Property
- 151.04 Franchise Subject to City Regulations
- 151.05 Indemnity
- 151.06 Franchise Not Exclusive
- 151.07 Interference with Property of Corporation

151.01 FRANCHISE GRANTED. Chariton Valley Electric Cooperative, Inc., a cooperative corporation organized under the laws of the State of Iowa (hereinafter referred to as the "Corporation"), its successors and assigns, are hereby granted the right, privilege and authority for a term of twenty-five (25) years from and after the adoption, approval and final acceptance of the ordinance codified in this chapter, to erect, maintain and operate an electric transmission and distribution system within the present and future corporation limits of the City, and said corporation, its successors and assigns are granted the right, privilege, and authority to erect and install all necessary poles, towers, conduits, manholes, wires, cables, fixtures and apparatus over, across and under the streets and alleys of the City and over and across any private lands therein upon proper proceeding in eminent domain for the said period of time and to operate said electric system and for said purposes upon the following terms and conditions.

151.02 PUBLIC CONVENIENCE. All poles and fixtures erected, operated and maintained by said corporation under and by virtue of this chapter, if not already erected, shall be located, erected and maintained under the supervision and direction of the Council and shall be so located so as not to permanently interfere with or obstruct the free public use of or travel over any street or alley or permanently interfere with the repairs of same.

151.03 RESTORATION OF PROPERTY. After the placing of any cable, conduit or manhole, or the erection of any pole or fixture, or the removal of any such, said corporation, at its own expense, shall restore the surface of the street, alley or sidewalk which was disturbed by it to the condition in which it was found. The work of restoring the street, alley, or sidewalk as aforesaid shall be done under the supervision of the streets and alleys committee of the Council.

151.04 FRANCHISE SUBJECT TO CITY REGULATIONS. The franchise is

granted subject to all ordinances now in force in the city and such other reasonable regulations as may be enacted by ordinances of the City.

151.05 INDEMNITY. The corporation shall hold the City free and harmless from any and all damages of every kind and character whatsoever caused by the construction, operation or maintenance of said telephone lines, fixtures and equipment.

151.06 FRANCHISE NOT EXCLUSIVE. Nothing in this chapter shall be construed as granting unto the corporation an exclusive right or franchise for the use of said streets or alleys for said purposes or to prevent the grant of similar privileges to other individuals or corporations for like purposes.

151.07 INTERFERENCE WITH PROPERTY OF CORPORATION. The City shall pass such ordinances as the Council may deem necessary or advisable for the due, legal and complete protection of the corporation in the enjoyment of all its rights and privileges or imprisonment for interference with or damage to the property of the corporation.

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS
FRANCHISES
CHAPTER 152
TELEPHONE FRANCHISE

- 152.01 Franchise Granted
- 152.02 Construction Regulated
- 152.03 Consideration
- 152.04 City Service
- 152.05 Emergency removal
- 152.06 Regulation
- 152.07 Non-Exclusive Franchise
- 152.08 Indemnification
- 152.09 Term

152.01 FRANCHISE GRANTED. Permission is granted to United Telephone Company of Iowa, its successors and assigns, to erect, operate and maintain lines of telephone and telegraph, including the necessary poles, fixtures and electrical conductors, upon, along, under and over the public roads, streets, alleys and public grounds, including all additions thereto or extensions thereof, in the City as its business may from time to time require, provided that all poles shall be neat and symmetrical.

152.02 CONSTRUCTION REGULATED. The work of erection poles by virtue of this chapter shall be done under the supervision of the streets committee and the company shall replace and properly repair any sidewalk or street that may be displaced by reason of the erection of such poles, and upon failure of the company to do so, after twenty (20) days notice in writing shall have been given by the Mayor to the company, the City may repair such portion of the sidewalk or street that may have been disturbed by the company, and collect the cost so incurred from the company.

152.03 CONSIDERATION. In consideration of such rights and privileges, the company shall, upon demand and without charge to the City, provide on each pole erected hereunder, space for one cross arm for the attachment thereon by the City of wires of its fire alarm and police telegraph system; provided, however, that no use shall be made of such space by the City which will result in interfering with or impairing the operation or use of said company's property or service, or will endanger the property or employees of said company.

152.04 CITY SERVICE. The City shall at all times during the existence of the said privilege, have from said company, its successor or assigns, the use, free of charge, of three individual line business telephones and two individual line residence

telephones for local exchange service connected with the telephone system of the City to be placed at such points within the City limits as the City Council may designate, and to be kept and maintained in good repair and working condition by said company, its successors or assigns.

152.05 EMERGENCY REMOVAL. When necessary, in case of fire or other emergency, poles, wires, and street fixtures or other telephone property of the said United Telephone Company of Iowa, its successors and assigns, may be cut and removed by order of the Mayor or Fire Chief, without any liabilities on the part of the City or such officers.

152.06 REGULATION. The company shall at all times be subject to the City ordinances relative to the use of public streets by telephone and telegraph.

152.07 NON-EXCLUSIVE FRANCHISE. It is expressly understood that this chapter in no way grants an exclusive franchise to the United Telephone Company of Iowa, its successors or assigns.

152.08 INDEMNIFICATION OF CITY. The company shall indemnify the City against, and assume all liabilities for, damages which may arise or accrue to the City from any injury to persons or property from the doing of any work herein authorized, or the neglect of said company or any of its employees to comply with any ordinance relative to the use of the streets of the City, and the acceptance by the company of this franchise shall be an agreement by it to pay to the City any sum of money for which the City may become liable from or by reason of such injury.

152.09 TERM. The term of the franchise granted by this chapter and the rights granted thereunder shall continue for a period of 25 years from and after its acceptance by the said company as herein provided.

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS
FRANCHISES
CHAPTER 153
CABLE TELEVISION REGULATIONS

- 153.01 Definitions
- 153.02 Use of Property
- 153.03 Taxes
- 153.04 Insurance
- 153.05 Performance
- 153.06 Franchise Review
- 153.07 Continuing Regulatory Jurisdiction
- 153.08 Repairs
- 153.09 Indemnification
- 153.10 Assignment
- 153.11 Insolvency of Grantee
- 153.12 Default of Grantee
- 153.13 Termination
- 153.14 Compliance with The Grantee
- 153.15 Installation and Maintenance
- 153.16 Interference
- 153.17 Installation of Cables
- 153.18 Restoration of Ground Surface
- 153.19 Alteration of Grade
- 153.20 Temporary Removal of Cables
- 153.21 Tree Trimming
- 153.22 Temporary Removal of Cables
- 153.23 Service Requirements
- 153.24 Performance Standards
- 153.25 Channel Capacity and Performance
- 153.26 Terminals in City Buildings and Schools
- 153.27 Telecast of Educational Activities
- 153.28 Local Access
- 153.29 Program Alteration
- 153.30 Subscriber Rates and Charges
- 153.31 Change of Subscriber Rates and Charges
- 153.32 Service Agreements Regulations
- 153.33 Service Agreements
- 153.34 Payments to City
- 153.35 Injury to Property of Applicable Laws
- 153.36 Intercepting Signals Of the Grantee
- 153.37 Filing Report
- 153.38 Filing of Maps and Plats
- 153.39 Filing of Communication with Regulatory Agencies
- 153.40 Access
- 153.41 Discrimination Prohibited
- 153.42 Other Business Activities Prohibited
- 153.43 Arbitration

153.44 Reservations

153.01 DEFINITIONS. The following words and phrases, when used in this chapter, shall, for the purpose of this chapter, have the meaning ascribed to them in this section:

1. "Cable Television System": shall mean 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": shall mean the segment of the electromagnetic spectrum to which a source of television transmission is assigned.

3. "FCC": shall mean the Federal Communication Commission.

4. "Franchise": shall mean the rights, privileges, and authority granted by the City to the Grantee and shall include all of the terms and conditions of this chapter.

5. "Grantee": shall mean Cable Vision Associates VI, a limited partnership organized and existing under the laws of the State of Iowa, its successors and assigns. When the context so requires, the term "Grantee" shall mean and include the Grantee, its officers, agent, employees, servants, and independent contractors.

6. "Person": shall mean any individual, or any corporation, business, 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": shall mean 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": shall mean all property, real, personal or mixed, owned or used by the City, including property owned or used by a public utility owned or operated by the City.

153.02 USE OF PROPERTY. Upon application filed with the City, 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 be consisted with generally accepted principles applicable to the operation of a cable television system subject, however, to the

following restrictions:

1. The Grantee shall comply with all governmental law, ordinances, rules or regulation as may be applicable thereto.

2. Any delay occasioned by City approval of such application shall extend the time for performance under Section 153.05.

3. 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 the mortgage or lease as may now or hereinafter be applicable thereto;

C. Adversely affect the then value or character thereof;

D. Cause to be likely to cause structural damage thereto, or any part thereof;

E. Cause to 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 vibration, 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.

153.03 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.

153.04 INSURANCE. The Grantee shall, at all time during the term of the franchise, carry and require their contractor to carry:

1. 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 in connection with the cable television system. 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 person, and \$100,000 for damages to property; with, as to Grantee, so-called umbrella coverage of at least \$5,000,000.

2. Workers' Compensation Insurance as provided by the laws of the State.

3. 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, as to Grantee, so-called umbrella coverage of at least \$5,000,000.

4. 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 of all insurance policies required hereunder shall be furnished and filed with the City prior to the commencement of operation or the expiration of prior policies, as the case may be.

6. 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.

153.05 PERFORMANCE. Grantee shall complete reconstruction of the cable television system for the City within fifteen months following approval of the grant of the franchise to Grantee by the voters at a City election, provided, however, that upon application of the Grantee, the city may grant a reasonable extension of the time period for completion of the reconstruction. Grantee shall place in the office of City Clerk a copy of the construction time

schedule. Upon failure of the Grantee to perform under this Section, the City may exercise its rights pursuant to Section 153.12 to terminate the franchise. This section shall not apply to failure beyond the reasonable control of the Grantee.

153.06 FRANCHISE REVIEW. The City shall have the right to schedule a public meeting or meetings with the Grantee every five years or at other reasonable time to review the franchise performance, plans and prospects. The City may require the Grantee to make available specified records, documents, and information for this purpose, and the Grantee may present evidence regarding its performance and the effects of any changes in the franchise rights and obligation on the economic or technical viability of the system.

153.07 CONTINUING REGULATORY JURISDICTION. The City shall have continuing regulatory jurisdiction and supervision over the operation of any franchise granted hereunder and may from time to time adopt such reasonable rules and regulations as deemed necessary by the Council for the conduct of the business contemplated thereunder.

153.08 REPAIRS. During the term of the franchise, the Grantee shall, at its own expense, make all necessary repairs and replacement to the property of the Grantee. Such repairs and replacements, interior and exterior, ordinary as well as extraordinary, and structural as well as non-structural, shall be made promptly, as and when needed.

153.09 INDEMNIFICATION. 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, cost, expenses, liability, claims, settlements, judgments, decrees and awards of every kind and nature that may ever be claimed against the City by any person whatsoever, or on account of any actual or alleged loss, damage or injury to any property 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 non-observance by the Grantee of the provisions of any laws, statutes, ordinances, resolution, regulation 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, and/or (c) the non-observance by the Grantee of any of the terms and conditions of the franchise, and/or (d) the granting of the franchise.

153.10 ASSIGNMENT. The Grantee shall not assign or transfer any right granted under this chapter to any other person, company, or corporation without prior consent of the City Council, which consent shall not be unreasonably withheld, provided that the Grantee shall have the right to assign the provision of this chapter to its general partner or to the parent company of its general partner or to a corporation wholly owned by the parent company, or to a limited partnership of which the parent company, or other wholly owned subsidiary of Heritage Communication, Inc., is a general partner, without prior consent of the City.

153.11 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 no 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.

153.12 DEFAULT OF GRANTEE. In the event the Grantee shall fail to comply with any of the terms and conditions of this chapter, 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.

153.13 TERMINATION. In the event of termination or non-renewal of the franchise, Grantee at its own expense will remove all coaxial cable, amplifiers and any other items of equipment which may have been installed from time to time, provided, however, that in the event that Grantee is successful in concluding a sale or transfer of its system to a successor or substituted grantee, Grantee shall be relieved of its obligation to perform under the terms of this section.

153.14 COMPLIANCE WITH APPLICABLE LAWS. During the term of the franchise, the Grantee shall comply with all governmental laws, ordinances, rules or regulation as may now be hereinafter 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, these of public property and private property and the engagement in such further activities as may be consistent with generally accepted principles applicable to the operation of a cable television system.

153.15 INSTALLATION AND MAINTENANCE. 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 to make or to unnecessarily hinder or obstruct pedestrian or vehicular traffic or use of public property or private property.

153.16 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.

153.17 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 equipments and facilities from any and all holders of public licenses and franchises within 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 poles is insufficient, or when holders of other public licenses or franchise have both installed underground cable, then in that event, the cable used by the Grantee shall be installed underground.

153.18 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.

153.19 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, cable, underground conduits, manholes, and other fixtures at its own expense.

153.20 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 cable 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.

153.21. TREE TRIMMING. The Grantee shall have the authority to trim trees upon and overhanging street, alley, 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.

153.22 LINE EXTENSIONS.

1. It shall be the obligation of 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 unfeasible, or economically non-compensatory. For purposes of determining compliance with the provision of this section, and to provide for a reasonable and non-discriminatory policy governing extensions of cable service within the City, the 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.

2. In the event the requirement of sub-section (1F) are not met, extension of service shall be required only on a basis which is reasonable and compensatory.

153.23. SERVICE REQUIREMENTS. During the term of the franchise, the Grantee shall furnish reasonable, adequate and efficient cable television service to subscriber terminals. The foregoing requirements may be temporarily suspended due to circumstances beyond the reasonable control of the Grantee.

153.24 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 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.

153.25 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.

153.26 TERMINALS IN CITY BUILDINGS AND SCHOOLS. During the franchise, the Grantee shall at its sole cost, install and maintain a subscriber terminal in such building owned by recognized educational authorities within the City, both public and private, as may be designated by the governing body having jurisdiction thereof. Such subscribers terminals shall be places in such location within such buildings as may be designed by the governing body having jurisdiction thereof. This provision is meant to apply only to those buildings accessible to Grantee's system.

153.27 TELECAST OF EDUCATIONAL ACTIVITIES. The Grantee shall not cable cast, 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.

153.28 LOCAL ACCESS. Grantee shall provide local access on a reasonable basis for the purpose of cable casting educational activities of Albia School District Number 81 in sports events, debates and musical productions videotaped by school personnel, taking into consideration the technical and economic factors as they exist from time to time.

153.29 PROGRAM ALTERATION. Any signal received by the Grantee from a television broadcast station shall be cable cast by the Grantee in its entirety, as received, without alteration.

153.30 SUBSCRIBER RATES AND CHARGES. Grantee's rates and charges for installation, moving of equipment and for basic monthly cable television service are approved by the City. A current schedule of rates will be kept on file with the City Clerk.

153.31 CHANGES OF SUBSCRIBER RATES AND CHARGES. Before instituting a rate increase, Grantee will furnish to the City Council a copy of the new rates and charges. Such notification shall precede any increase by not less than 30 nor more than 60 days.

153.32 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.

153.33 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.

153.34 PAYMENTS TO CITY. The Grantee shall pay to the City three percent (3%) of its annual "basic monthly cable television service" revenue for the service rendered to customers located within the City. For the purposes of this section, "basic monthly cable television service" is the provision of television broadcast signals and access and original channels, if any, and does not include advertising services, rental of studios or equipment, provision of program production services, per-channel or pre-program charges to subscribers ("pay cable"), rental of channels, sale of channel time, provision of commercial services such as security systems, or any other service of the system, the rates and charges for which shall not require approval of 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.

153.35 INJURY TO PROPERTY OF THE GRANTEE. No person shall wrongfully or unlawfully injure the property of the Grantee.

153.36 INTERCEPTING SIGNALS OF THE GRANTEE. No person shall wrongfully or unlawfully intercept the signals of the Grantee.

153.37 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 326 for the preceding calendar year.

153.38 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.

153.39 FILING OF COMMUNICATIONS WITH REGULATORY AGENCIES. The Grantee shall file with the City copies of all petitions, application and communications submitted by the Grantee to any regulatory agency having jurisdiction over the Grantee.

153.40 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.

153.41. 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.

153.42 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.

153.43 ARBITRATION. Any controversy between the City and the Grantee regarding the rights, duties or liabilities of either party under the franchise shall be settled by arbitration. 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 of Iowa. This section shall not apply to termination proceedings under Section 153.13.

153.44 RESERVATIONS. The right is reserved to the City Council or its successor or equivalent 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.

Chapter 154-159 are reserved for future use.

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS
GENERAL
CHAPTER 160
CIGARETTE PERMITS

- 160.01 Definitions
- 160.02 Minors
- 160.03 Permit Required
- 160.04 Application
- 160.05 Fees
- 160.06 Issuance
- 160.07 Permits Not Transferable
- 160.08 Expiration
- 160.09 Refunds
- 160.10 Revocation
- 160.11 Renewal after Revocation

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

1. "Cigarette": shall mean 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 another ingredient, where such roll has a wrapper or cover of paper or any other material. However, this definition shall not be construed to include cigars. (Code of Iowa, Sec. 453B)

2. "Place of Business": shall mean any place where cigarettes are sold, stored or kept for the purpose of sale or consumption by a retailer.

3. "Retailer": shall mean every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales. (Code of Iowa, Sec. 453B)

160.02 MINORS. No person shall furnish to any minor under eighteen years of age by gift, sale or otherwise, any cigarette or cigarette paper, or any paper or other substance made or prepared for the purpose of use in making of cigarettes. No person shall directly or indirectly, or by an agent, sell, barter or give to any minor under eighteen years of age any tobacco in any other form whatever except upon the written order of the minor's parent or guardian or the person in whose custody the minor is.

160.03 PERMIT REQUIRED. No retailer shall distribute, sell or solicit the sale of any cigarettes within the City without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

160.04 APPLICATION. A completed application on forms provided by the State Department of Revenue and accompanied by the fee provided in Section 160.05 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 cost of such special meeting shall be paid by the applicant. (Code of Iowa, Sec. 453A.13)

160.05 FEES. The fee for issuing or renewing a cigarette permit shall be as follows: (Code of Iowa, Sec. 98.13)

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

160.06 ISSUANCE. The Council shall issue or renew a permit upon a determination that such issuance or renewal will not be detrimental to the public health, safety or morals.

160.07 PERMITS NOT TRANSFERABLE. A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit changes his place of business, the Council, if it decided to issue a new permit to the retailer, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit.

160.08 EXPIRATION. Permits expire on June 30 of each year.

160.09 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May or June, as follows: (Code of Iowa, Sec. 453A.13)

<u>PERMITS SURRENDERED DURING:</u>	<u>AMOUNT OF REFUND:</u>
July, August or September-----	\$56.25
October, November or December-----	\$37.50
January, February or March-----	\$18.75

160.10 REVOCATION. The Council, after notice and hearing substantially in accordance with the provisions of Section 98.22 of the Code of Iowa, shall revoke a permit if it finds the retailer has violated the provision of Section 160.02. Following similar notice and hearing, the Council may revoke a permit if it finds the retailer has violated any other provisions of this chapter, or if grounds exist that would be sufficient for refusal to issue such permit. 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 revocation and the time and place at which the retailer may appear and be heard. The hearing shall be held at the regular meeting place of the Council. (Code of Iowa, Sec. 453A.22)

160.11 RENEWAL AFTER REVOCATION. Upon revocation, no new permit shall be issued to the retailer or for the place of business for one year after the date of revocation, unless good cause to the contrary is shown the Council.

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS
GENERAL
CHAPTER 161
PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

- 161.01 Purpose
- 161.02 Definitions
- 161.03 License Required
- 161.04 License Exemptions
- 161.05 Religious and Charitable Organizations
- 161.06 Application for License
- 161.07 License Fees
- 161.08 Bond Required
- 161.09 License Issued
- 161.10 Display of License
- 161.11 License Not Transferable
- 161.12 Time Restriction
- 161.13 Revocation of License
- 161.14 Notice
- 161.15 Hearing
- 161.16 Record and Determination
- 161.17 Appeal
- 161.18 Effect of Revocation
- 161.19 Rebates

161.01 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.

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

1. "Peddler": shall mean any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house-to-house to upon the public street.

2. "Solicitor": shall mean any person who solicits or attempt to solicit from house-to-house or upon the public street in order for goods, subscriptions or merchandise to be delivered at a future date.

3. "Transient Merchant": shall mean any person, firm or corporation who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever. Temporary association with a local merchant, dealer, trader or auctioneer,

or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer shall not exempt any person, firm or corporation from being considered a transient merchant.

161.03 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 shall be in violation of this chapter.

161.04 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. News boys and girls.
2. Club Members. Members of local Boy Scout, Girl Scout, Campfire Girls, 4-H Clubs, Future Farmers of America and similar organizations.
3. Farmers. Farmers who offer for sale products of their own raising.
4. Students. Student representing the Albia Community School District conducting projects sponsored by organization recognized by the school.
5. Milk Delivery. Milk delivery men who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purpose of selling products for resale or institutional use.

161.05 RELIGIOUS AND CHARITABLE ORGANIZATIONS. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operations of Section 161.06 through 161.14. All such organizations shall be 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 shall find that the organization is a bona fide charity or religious organization the Clerk shall issue, free of charge, a license containing the above information to the applicant.

161.06 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, business address if any, physical description, recent photograph, right thumb print and, unless a solicitor, a certificate signed by the County Health officer or other local physician that the applicant is in good health and free from any contagious disease. 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 fact stated therein.

161.07 LICENSE FEES. The following license fees shall be paid to the City 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-----\$ 5.00
- B. For one week-----\$10.00
- C. For up to six (6) months-----\$20.00
- D. For one year or major part thereof---\$25.00

161.08 BOND REQUIRED. Before a license under this chapter shall be issued to a transient merchant, an application shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 81A of the Code of Iowa.

161.09 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.

161.10 DISPLAY OF LICENSE. Each solicitor or peddler shall, at all times while doing business in the City, keep in such person's possession the license provided for in section 161.09 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.

161.11 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.

161.12 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses shall be in force and effect only between the hours of eight o'clock (8:00) a.m. and seven o'clock (7:00) p.m.

161.13 REVOCATION OF LICENSE. After notice and hearing, the Clerk may revoke any license issued under this chapter for the following reason;

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 a manner as to endanger the public welfare, safety, order or morals.

161.14 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 the hearing on the possible revocation of a license. Such notice shall contain particulars of the complaint against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

161.15 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.

161.16 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.

161.17 APPEAL. If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reason

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.

161.18 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.

161.19 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, as least Five Dollars (\$5.00) of the original fee shall be retained by the City to cover administrative costs.

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS
CHAPTER 162
HOUSE MOVERS

- 162.01 Purpose
- 162.02 House Mover Defined
- 162.03 Permit Required
- 162.04 Application
- 162.05 Bond Required
- 162.06 Insurance Required
- 162.07 Permit Fee
- 162.08 Permit Issued
- 162.09 Public Safety
- 162.10 Time Limit
- 162.11 Removal by City
- 162.12 Protect Pavement
- 162.13 Electric Wires

162.01 PURPOSE. The purpose of this chapter is to protect and preserve the public safety and well-being by licensing and regulating house and building movers.

162.02 HOUSE MOVER DEFINED. A "house mover" shall mean any person who undertakes to move a building or similar structure upon, over, or across the public streets, alleys, walks, or property using skids, jacks, dollies, or any method.

162.03 PERMIT REQUIRED. It shall be unlawful for any person to engage in the activity of house mover as hearing defined without a valid permit from the City for each house, building or similar structure to be moved.

162.04 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 it's principal officers.

2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.

3. Routing Plan. A routing plan approved by the Police Chief, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

162.05 BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the minimum sum of one thousand dollars (\$1,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

162.06 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury - \$50,000 per person; \$100,000 per accident.
2. Property Damage - \$50,000 per accident.

162.07 PERMIT FEE. A permit fee of ten dollars (\$10.00) 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.

162.08 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.

162.09 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk, or public property, the permittee shall maintain a flagman at the closest intersections or other possible channels of traffic to the side, behind and ahead of the building or structure. At all times when the building or structure is at rest upon the street, alley, sidewalk, or public property the permittee shall maintain adequate warning signs or flares at the intersection or channels of traffic to the sides, behind and ahead of the building or structure.

162.10 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

162.11 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 162.10 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the

permit holder's bond.

162.12 PROTECT PAVEMENT. It shall be unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved shall be at least one inch in width for each one thousand (1,000) pound 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.

162.13 ELECTRIC WIRES. The holder of any permit to move a building shall see that all telephone, telegraph and electrical wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same. The holder of the permit for moving a building shall give twenty-four (24) hours notice to the owner of any telephone, telegraph or electric wires to remove such wire 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.

CHAPTER 163
TAXI CABS

- 163.01 Definitions
- 163.02 License Required
- 163.03 License Application
- 163.04 Insurance
- 163.05 Issuing License
- 163.06 Licenses
- 163.07 Revocation of License
- 163.08 Supervision
- 163.09 Driver's Qualifications
- 163.10 Rates

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

1. "Taxi" means any motor vehicle that is used on the streets of the City for the purpose of carrying passengers for hire, and which follows no regular route or time schedule.

2. "Operator" means any person, firm, partnership, corporation or other association, whether or not said entity is the owner of a taxi, that will profit financially by the operation of a taxi, but not including hired to drive a taxi.

163.02. LICENSE REQUIRED. It is unlawful to operate a taxi without a valid license issued under this chapter. Taxis that are operated and licensed principally in other cities that use the streets of the City only on isolated occasions need not have a license under this chapter.

163.03. LICENSE APPLICATION. A taxi operator shall apply in writing to the Council for a license for the taxi company. The application shall be filed with the City Clerk. The application shall include the name, residential and business addresses of the operator and the make, model, and license plate number of each taxi. The application shall be accompanied by a ten dollar (\$10.00) annual license fee for the company.

163.04. INSURANCE. Before the Council shall issue a license, the applicant/operator shall file with the Clerk evidence showing financial responsibility and liability coverage in an amount not less than \$50,000.00 coverage for personal injury to any one person, \$100,000.00 coverage for personal injury in the aggregate for any one event, and \$25,000.00 property damage to cover possible liabilities arising from the operation of each taxi.

163.05. ISSUING LICENSE. The Council shall review each application promptly, and shall issue a license if it finds that issuance will be consistent with the safety, health, welfare, comfort and convenience of its residents. After issuance of a license, no license fee or portion thereof will be refundable. Each taxi that is in service must be registered with the City.

163.06. LICENSES. Taxi licenses shall be valid for one year from the date of issuance. A license, when issued, shall be signed by the Mayor and Clerk, shall identify the vehicles licensed, and shall state the date of issuance, the operator to whom issued, and the period of time for which the license is valid. A license shall be displayed within the taxi in full view of passengers.

163.07. REVOCATION OF LICENSE. The Council may revoke or suspend any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The operator has made fraudulent statements in the application for the license or in the conduct of business.

2. Violation of Law or Ordinance. The operator has substantially violated the requirements of this chapter or the State motor vehicle laws.

3. Operation as to Endanger Safety, Health, or Welfare. The operator has conducted business in a manner that substantially endangers the public safety, health, or welfare.

The Council will conduct a hearing before revoking or suspending a license. The operator shall be given notice of the hearing at least five (5) and not more than thirty (30) days before the date of the hearing. The notice shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. The notice shall state the time and place of the hearing and the reasons for the intended revocation or suspension.

163.08 SUPERVISION. The Police Chief shall have the power at any time to investigate the conduct of any taxi business and the operation of the licensed taxis, and to inspect the licensed taxis for possible violations.

163.09 DRIVER'S QUALIFICATIONS. Every driver of a licensed taxi shall possess a valid Iowa chauffeur's driving license.

163.10 RATES. Operators shall display within the taxi a schedule of rates in full view of passengers. On request of a passenger, a driver shall advise any passenger in advance as to the rate to be

charged for transporting that passenger between any two points within the City. The rates shall be recorded on file with the Clerk.

Chapters 164-174 are reserved for future use.

TITLE VII - TRANSPORTATION
STREETS AND ALLEYS
CHAPTER 175
USE AND MAINTENANCE

- 175.01 Removal of Warning Devices
- 175.02 Obstructing or Defacing Streets
- 175.03 Placing Debris on Streets
- 175.04 Playing in Streets
- 175.05 Traveling on Barricaded Street Prohibited
- 175.06 Use of Parking
- 175.07 Use of Streets for Business Purposes
- 175.08 Washing Vehicle on Streets Prohibited
- 175.09 Burning Prohibited
- 175.10 Excavations
- 175.11 Maintenance of Parking Or Terrace
- 175.12 Failure to Maintain Parking or Terrace
- 175.13 Dumping of Snow
- 175.14 Driveway Culverts

175.01 REMOVAL OF WARNING DEVICES. It shall be unlawful for a person willfully to remove, throw down, or destroy or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard, or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof. (Code of Iowa, Sec. 716.1)

175.02 OBSTRUCTING OR DEFACING STREETS. It shall be unlawful for any person to obstruct, deface, or injure any public road in any manner. (Code of Iowa, Sec. 716.1)

175.03 PLACING DEBRIS ON STREETS. It shall be unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, cans, trash, garbage, rubbish, litter, offal, lawn clippings, leaves, or any other debris, or any other substance likely to injure any person, animal, or vehicle. (Code of Iowa, Sec. 321.369)

175.04 PLAYING IN STREETS. It shall be unlawful for any person to coast, sled, or play games on street or highways except in the areas blocked off by the City for such purposes. (Code of Iowa, Sec. 364.12[2])

175.05 TRAVELING ON BARRICADED STREET PROHIBITED. It shall be unlawful for any person to travel or operate any vehicle on any street, or public way temporarily closed by barricades, lights,

signs, or flares, placed thereon by the authority or permission of any City official, police officer or member of the fire department.

175.06 USE OF PARKINGS. It shall be unlawful to park, store, or place, temporarily or permanently, any car, truck, vehicle, junk or any other goods, wares, and merchandise of any kind upon any street parking without permission of the Council.

175.07 USE OF STREETS FOR BUSINESS PURPOSES. It shall be unlawful to park, store or place any machinery, or any other goods, wares, or merchandise of any kind upon any street for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

175.08 WASHING VEHICLE ON STREETS PROHIBITED. It shall be unlawful for any person to use any public sidewalk or street 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 shall not be construed to prevent any person from washing or cleaning his own vehicle or equipment when in is lawfully parked in the street.

175.09 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.

175.10 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or other portion within the street right-of-way unless such person shall first obtain a permit therefor as hereinafter provided or as provided in other sections of the Code of Ordinances.

1. Application. Before such permit shall be granted, the person shall file with the City a written application. The application shall give an exact description of the property, by lot and street number, in front of or along which it is desired to excavate, state the purpose and for whom and by whom the excavation is to be made, and who will be responsible for the refilling of said ditch and restoration of the street surface.

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 and Lighting. Adequate barricades and warning lights meeting standards specified by the City shall be so

placed as to protect the public from hazard. Any cost incurred by the City in providing or maintaining adequate barricades or warning lights shall be paid to the City by the permit holder.

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: Single Limit, Personal Injury and Property Damage \$500,000.00

5. Restoration of Public Property. Streets, sidewalks, parkways, and other property disturbed in the course of the work shall be restored in a manner satisfactory to the City, at the expense of the property owner.

6. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street surface begun, until such holder shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.

7. Completion by the City. Should any excavation in any street or alley be left open or unfinished for a period of twenty-four (24) hours or should the work be improperly done, the City shall have the right to finish or correct such work, and the expense shall be charged to the permit holder and/or property owner.

8. Property Owner's Responsibility. All costs and expenses incident to the excavation shall be borne by the permit holder and 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. Contractor's Responsibility. The contractor shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation. The contractor shall post a bond in the minimum amount of \$2,000.00 with sureties approved by the City for two years from the City's approval of the completion of the project. The bond shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

10. Permit Fee. A non-refundable permit fee of twenty-five dollars (\$25.00) shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.

11. Refilling or utility excavations in asphalt streets and alleys: The excavation shall be filled with crushed rock and/or sand on or around the utility. A minimum of three feet of flowable mortar will be used to fill the remaining excavation within a minimum of four inches of the asphalt street surface. The new asphalt will be placed in two inch lifts to the top of existing street. A temporary top of crushed rock or cold patch may be used and maintained at the expense of the permit holder. Winter excavations may use a backfill of all crushed rock until weather permits correct repairs. In no case shall materials objectionable to the City be used for backfill.

175.11 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility for 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. (Code of Iowa, Sec. 364.12[c])

175.12 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])

175.13 DUMPING OF SNOW. It shall be unlawful for any person throw, push, or place or cause to be thrown, pushed or placed any ice or snow from private property, sidewalks, or driveways onto the traveled way of streets so as to obstruct gutters, or impede the passage of vehicles upon the street or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the streets temporarily, such accumulation shall be removed promptly by the property owner or 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])

175.14 DRIVEWAY CULVERTS. The City shall, at the property owner's expense, install any culvert deemed necessary under any driveway or any other access to any property. In the event repairs are needed at any time with respect to culvert, it shall be the responsibility of the property owner to make such repairs, and, in the event the property 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.

TITLE VII - TRANSPORTATION
STREETS AND ALLEYS
CHAPTER 176
CONTROLLED ACCESS FACILITIES

- 176.01 Exercise of Police Power -
- 176.02 Definition
- 176.03 Right of Access Limited
- 176.04 Access Controls Imposed
- 176.05 Unlawful Use of Controlled Access Facility
- 176.06 Permitted Access Points
- 176.07 Parking Restricted

176.01 EXERCISE OF POLICE POWER. This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, Code of Iowa, for the preservation of the public peace, health, safety and for the promotion of the general welfare. (Code of Iowa, Sec. 306A.1)

176.02 DEFINITION. The term "controlled access facility" shall mean a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason. (Code of Iowa, Sec. 306A.2)

176.03 RIGHT OF ACCESS LIMITED. No person shall have any right of ingress or egress to, from or across any controlled-access facility except at such points as may be permitted by the Iowa Department of Transportation and designated by ordinance. (Code of Iowa, Sec. 306A.4)

176.04 ACCESS CONTROLS IMPOSED. There are hereby fixed and established controlled access facilities within the City, one the following Primary Road System extension improvement projects: (Code of Iowa, Sec. 306A.3)

1. U.S. Nos. 34 and Iowa No. 60. ON relocated U.S. 34 from Sta. 860+94.85 to Sta. 905+87, and on Iowa 60 from Sta. 2848+07 to Sta. 2867+30.6 regulating access to and from Sta. 860+94.85 to Sta. 905+87 and Sta. 2848+07 to Sta. 2867+30.6 abutting properties along said highways all in accordance with the plans for such improvement identified as Project No. F-1027 on file in the office of the Clerk.

2. U.S. No. 34. On relocated U.S. 34 from the west corporation limit (Sta. 805+40) to Primary Road No. Iowa 60 (Sta.

826+24.5). Regulating access to and from Sta. 805+40 said highway all in accordance with the plans for such improvement identified as Project N. F-1027 on file in the office of the Clerk.

3. Iowa No. 60. On Iowa No. 60 from Sta. 1010+00 to Sta. 1016+57, regulating access to and from Sta. 1010+00 to Sta. 1016+57 and to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. FN802 on file in the office of the Clerk.

4. Iowa 137. On Iowa No. 1 37 from Sta. 0+88.0 (intersection with Iowa 60) to Sta. 51+23.7 (north corporation line) regulating access to and from Sta. 0+88.00 said highway all in accordance with the plans for such improvement identified as Project No. FN 359 on file in the office of the Clerk.

5. Iowa No. 60. On Iowa No. 60 from Sta. 507+40 (NCL) to Sta. 587+50 regulating access to and from said highway and to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. FN-60-2(2) 21-68 on file in the office of the Clerk.

176.05 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY. It shall be unlawful for any person to: (Code of Iowa, Sec. 306A.3)

1. Cross Dividing Line. Drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on such controlled access facilities.

2. Turns. Make a left turn or a semi-circular or U-turn except through an opening provided for that purpose in the divided curb section, separation or line.

3. Use of Lanes. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section or line.

4. Enter Facility. Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled access facility property.

5. Signs on Public Property. No signboards will be allowed on private property when such signboard will obstruct the view of any portion of the public highway or street or railroad track.

176.06 PERMITTED ACCESS POINTS. Points of access are hereby

permitted as follows: (Code of Iowa, Sec. 306A.4)

1. Projects Numbered F-1077(1), FN-802 and F-1027.

<u>STATION</u>	<u>SIDE OF STREET</u>	<u>CURB OPENING WIDTH</u>	<u>ENTRANCE WIDTH</u>	<u>USE OF ENTRANCES</u>
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(Project F-1027(1), on U.S. 34):

866+33.3	north & south	31' B-B		Main Street
873+73	north		45'	Street
873+80	south		45'	Street
890+18	north		45'	Field Ent.
903+50	south		18'	Field Ent.
903+50	north		28'	Field Ent.

(Project F-1027 on Iowa 60):

2854+29.2	west		26'	15th Street
2855+97.0	west	18'		Alley
2855+57.5	west	27' B-B		14th Street
2863+71.5	west	27' B-B		12th Street
2864+03	east	25'		Joint Res.
2865+00	east	18'		Res.
2865+03	west	24'		Alley
2865+55.5	east	24'		Comm.
2866+33.3	east	35'		Joint Comm. Res
2866+39.5	west	27' B-B		11th Street

(Project FN-802, on Iowa 60):

1011+59.5	west	31' B-B		5th Avenue W.
1011+59.5	north	31' B-B		S. Clinton
1012+37	north	20'		Res.
1012+70	south	35'		Res.
1013+16	north	20'		Joint Res.
1013+11	south	20'		Res.
1013+37	south	20'		Res.
1013+88	north	20'		Res.
1013+98	south	20'		Res.
1014+97.8	south	31' B-B		S. Main St.
1015+24	east	14'		Res.
1015+42	east	15'		Res.
1016+09	east	14'		Res.

(Project F-1027, on U.S. 34):

818+30	north & south	45'	Prop. conn. for a future street
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2. The compiled list furnished by the Iowa Highway Commission of entrances provided for access under the improvement specifies as Project No. FN-359 are hereby recorded as follows:

<u>STATIONS</u>	<u>SIDE OF STREET</u>	<u>ENTRANCE WIDTH</u>	<u>USE OF ENTRANCES</u>
2585-20	left	24'	Street
1-35	right	24'	Farm Ent.
4-00	right	30'	Comm.
7-40	right	35'	Comm.
10-50	right	24'	Res.
13-02	right	30'	Street
13-02	left	24'	Street
14-65	right	20'	Res.
15-50	left	20'	Res.
15-50	left	24'	Res.
20-00	right	75'	Joint St & Cemetery Dr
22-06	left	20'	Res.
25-32	left	24'	Res.
28-70	left	20'	Res.
31-72	left	20'	Res.
35-50	left	18'	Res.
36-22	left	18'	Res.
36-72	right	18'	Res.
37-44	left	18'	Res.
37-68	left	24'	Comm.
38-07	right	24'	Street
42-00	right	20'	Res.
44-00	right	24'	Farm Ent.
48-39	right	32'	Street

Chapter 177 is reserved for future use.

TITLE VII - TRANSPORTATION
STREET AND ALLEY
CHAPTER 178
NAMING OF STREETS

- 178.01 Naming New Streets
- 178.02 Changing Name of Street
- 178.03 Recording Street Names
- 178.04 Official Street Name Map
- 178.05 Revision of Street Name Map

178.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. Extensions of Existing Street. Streets added to the City that are natural extension of existing streets shall be assigned the name of the existing street.

2. Ordinance. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.

3. Planning commission. Proposed street names shall be referred to the planning commission for review and recommendation.

178.02 CHANGING NAME OF STREET. The Council may, by ordinance change the name of a street. (Code of Iowa, Sec. 354.26)

178.03 RECORDING STREET NAMES. Following adoption of an ordinance naming or changing the name of a street, the Mayor and Clerk shall certify and file a copy thereof with the County Recorder and County Auditor.

178.04 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 178.04 of the Code of Ordinances of Albia, Iowa".

178.05 REVISION OF STREET MAP. If in accordance with the provision 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.

TITLE VII - TRANSPORTATION
STREETS AND ALLEYS
CHAPTER 179
VACATION AND DISPOSAL

- 179.01 Power to Vacate
- 179.02 Planning Commission
- 179.03 Notice of Vacation Hearing
- 179.04 Findings Required
- 179.05 Disposal of Streets or Alleys
- 179.06 Disposal by Gift Limited

179.01 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. 306.10)

179.02 PLANNING COMMISSION. Any proposal to vacate a street or alley shall be referred by the Council to the Planning Commission for its study and recommendation prior to further consideration by the Council. The Planning 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)

179.03 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. In addition to published notice, notice shall be posted at least twice on each block along the street or alley proposed to be vacated not more than 25 days or less than 10 days prior to the date set for the hearing.

179.04 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)

179.05 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.

179.06 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])

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.

<u>ORDINANCE</u> <u>NUMBER</u>	<u>ADOPTED</u>	<u>ORDINANCE</u> <u>NUMBER</u>	<u>ADOPTED</u>
397	June 3, 1958	450	June 7, 1976
345	October 18, 1965	452	December 20, 1976
365	December 4, 1967	454	January 3, 1977
366	January 5, 1968	535	October 24, 1988
371	March 28, 1968	541	December 19, 1988
381	October 7, 1968	542	January 3, 1989
382	December 2, 1969	573	September 21, 1992
383	March 17, 1969	574	September 21, 1992
385	March 17, 1969	575	September 21, 1992
389	March 19, 1969	590	November 15, 1993
397	June 15, 1969	593	February 21, 1993
398	January 18, 1971	594	February 21, 1993
402	April 5, 1971	598	June 6, 1994
405	September	599	June 6, 1994
411	June 5, 1972	610	May 15, 1995
417	March 5, 1973	620	November 7, 1995
427	November 5, 1973	631	April 1, 1996
426	November 5, 1973	637	June 17, 1996
428	January 7, 1974	638	October 21, 1996
430	May 6, 1974	639	August 4, 1997
431	June 17, 1974	640	August 4, 1997
432	June 17, 1974	656	February 1, 1999
433	October 7, 1974	657	May 3, 1999
435	November 4, 1974	792	September 2, 2008
436	November 4, 1974	799	July 20, 2009
437	November 18, 1974	802	February 15, 2010
438	January 6, 1975	804	October 4, 2010
440	June 2, 1975	808	June 6, 2011
443	July 7, 1975	809	June 20, 2011
449	May 3, 1976	810	June 6, 2011
813	September 19, 2011	818	January 4, 2012
819	January 4, 2012	820	January 4, 2012

TITLE VII - TRANSPORTATION
STREETS AND ALLEYS
CHAPTER 180
STREET GRADES

- 180.01 Established Grades
- 180.02 Record Maintained

180.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinances are hereby confirmed, ratified and established as official grades.

180.02 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.

<u>ORDINANCE NO.</u>	<u>ADOPTED</u>
90	December 21, 1928
485	July 21, 1980
517	October 15, 1984

Chapters 181-184 are reserved for future use.

TITLE VII - TRANSPORTATION
SIDEWALKS
CHAPTER 185
REGULATIONS

- 185.01 Purpose
- 185.02 Definitions
- 185.03 Removal of Snow, Ice and Accumulations
- 185.04 Responsibility for Maintenance
- 185.05 Failure to Maintain - Personal Injuries
- 185.06 City May Order Repairs
- 185.07 Sidewalk Construction Ordered
- 185.08 Permit Required
- 185.09 Indemnification
- 185.10 Sidewalk Standards
- 185.11 Barricades and Warning Lights
- 185.12 Failure to Repair or Barricade
- 185.13 Interference with Sidewalk Improvements
- 185.14 Awnings
- 185.15 Encroaching Steps
- 185.16 Openings and Enclosures
- 185.17 Fires on Sidewalks
- 185.18 Fuel on Sidewalks
- 185.19 Defacing
- 185.20 Debris on Sidewalks
- 185.22 Sales Stands

185.01 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.

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

1. "Broom Finish": shall mean a sidewalk finish that is made by sweeping the sidewalk when it is hardening.

2. "Defective Sidewalk": shall mean any public sidewalks exhibiting one or more of the following characteristics:

A. Vertical separations equal to three-fourths(3/4) inch or more.

B. Horizontal separations equal to one-half (½) inch or more.

C. Holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.

D. Spalling over fifty (50) percent over a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.

E. Spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths(3/4) inch or more.

F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.

G. A sidewalk with any part thereof missing to the full depth.

H. A change from the design or construction grade equal to or greater than three-fourths inch per foot.

3. "Established Grade": shall mean that grade established by the City for the particular area in which a sidewalk is to be constructed.

4. "One-course Construction": shall mean that the full thickness of the concrete is placed at one time, using the same mixture throughout.

5. "Owner": shall mean the person owning the fee title to property abutting any sidewalk and shall include any contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, if any.

6. "Portland Cement": shall mean any type of cement except bituminous cement.

7. "Sidewalk": shall mean all permanent public walks in business, residential or suburban areas.

8. "Sidewalk Improvements": shall mean the construction, reconstruction, repair, replacement, or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.

9. "Wood Float Finish": shall mean a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

185.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It shall be the responsibility of the abutting property owners to remove snow, ice and accumulation promptly from sidewalks. If a property owner does not remove snow, ice or accumulation within a reasonable time, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. (Code of Iowa, Sec. 364.12[2b &e])

185.04 RESPONSIBILITY FOR MAINTENANCE. It shall be the responsibility of the abutting property owner to repair, replace, or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portions of the public street. (Code of Iowa, Sec. 364.12[2c])

185.05 FAILURE TO MAINTAIN - PERSONAL INJURIES. If the abutting property owner does not maintain or repair defective sidewalks as required, and action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing the 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 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 liability of the City or the plaintiff in the first named action, and as to the amount against the person 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)

185.06 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])

185.07 SIDEWALK CONSTRUCTION ORDERED. The Council may, by resolution, order the construction or reconstruction of permanent sidewalks upon any street or court. Unless the owners of a

majority of the linear feet of the property fronting on the improvement, petition the Council therefore, new permanent sidewalks shall not be required unless three-fourths (3/4) of all the members of the Council, by resolution, order the making thereof, all in accordance with state law for special assessments.(Code of Iowa, Sec. 384.38)

185.08 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 complies with all ordinances and requirements of the City for such work.

185.09 INDEMNIFICATION. Any person securing a permit as required above shall agree to hold the city free from all liability for damages on account of injuries received by anyone through the negligence of such person or such person's agent or employees in making the sidewalk improvements, or by reason of such person's failure to properly guard the premises.

185.10 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 on 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 course 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 graded to the established grade.

5. Length, Width and Depth. Length, width and depth requirements are as follows:

A. Residential sidewalks shall be at least four (4) feet wide and four inches (4) inches thick, and each section shall be no more than six (6) feet in length.

B. Business district sidewalks shall extend from the property line to the curb. Each section shall be four

(4) inches thick and no more than six (6) feet in length.

C. Driveway areas shall be not less than six (6) inches in thickness.

6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot inside the property line, unless the Council shall establish a different distance due to 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 "wooden float" finish.

11. Ramps for handicapped. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a non-skid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically handicapped persons using the sidewalk.

185.11 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind shall be 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 constructor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous conditions 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 misuses of the privilege conferred by this chapter or of any failure to comply with provisions hereof.

185.12 FAILURE TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or their contractor or agent to notify the City immediately in the event they fail or are unable to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

185.13 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.

185.14 AWNINGS. It shall be unlawful for a person to erect or maintain any awnings over any sidewalk unless all parts of the awning are elevated at least seven (7)feet above the surface of the street or sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other devices that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

185.15 ENCROACHING STEPS. It shall be unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

185.16 OPENING AND ENCLOSURES. It shall be unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a rail without permission by resolution of the Council.

2. Openings. Keep open any cellar door, grating or cover to a vault on any sidewalk except while in actual use with adequate guard to protect the public.

3. Protect Openings. Neglect to properly protect or

barricade all opening on or within six (6) feet of any sidewalk.

185.17 FIRES ON SIDEWALKS. It shall be unlawful for a person to make a fire of any kind on any sidewalk.

185.18 FUEL ON SIDEWALKS. It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.

185.19 DEFACING. It shall be unlawful for a person to scatter or place any paste, paint, or writing on any sidewalk. (Code of IOWA, Sec. 716)

185.20 DEBRIS ON SIDEWALKS. It shall be 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])

185.21 MERCHANDISE DISPLAY. It shall be 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.

185.22 SALES STANDS. It shall be unlawful for a person to erect or keep any stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

Chapters 186-189 are reserved for future use.

TITLE VII - TRANSPORTATION
RAILROADS
CHAPTER 190
REGULATIONS

- 190.01 Definitions
- 190.02 Warning Signals
- 190.03 Obstructing Streets
- 190.04 Crossing Maintenance
- 190.05 Flying Switches

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

1. "Railroad Train": shall mean any steam, electric, or other motor driven engine and the cars, if any, coupled to the engine operated on rails, but does not include inter-urbans and street cars. (Code of Iowa, Sec. 321.1 [29])

2. "Operator": shall mean any individual, partnership corporation or other association which owns, operates, drives or controls a railroad train.

190.02 WARNING SIGNALS. Operators shall sound a horn at least one thousand (1,000) feet before a street crossing is reached and after sounding the horn, shall ring the bell continuously until the crossing is passed. Operators shall also sound a whistle at least one hundred (100) feet before reaching every intersection of the track and street, sidewalk, alley or similar public crossing within the City limits. (Code of Iowa, Sec. 327G.13)

190.03 OBSTRUCTING STREETS. Operators shall not operate any train in such a manner as to prevent vehicular use of any highway, street, or alley for a period of time in excess of ten (10) minutes except: (Code of Iowa, Sec. 327G.32)

1. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.

2. Avoid Striking. When necessary to avoid striking any object or person on the track.

3. Disabled. When the train is disabled.

4. Safety Regulations. When necessary to comply with governmental safety regulation including, but not limited to, speed ordinances and speed regulations.

5. In Motion. When the train is in motion except while engaged in switching operations.

6. No Traffic. When there is no vehicular traffic waiting to use the crossing.

Operators violating any provisions of this section shall be guilty of a misdemeanor. An employee shall not be guilty of such violation if his action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Such guilt shall then be with the railroad corporation.

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

190.05 FLYING SWITCHES. No operator shall cause any railroad car or cars, unattended to any engine, to be propelled across any intersection of the tracks and a street, alley, sidewalk, or similar public crossing, for the purpose of making a flying switch unless some employee of the railroad shall be stationed at the intersection to give warning of such car or cars approach.

Chapters 191-194 are reserved for future use.

TITLE VII - TRANSPORTATION
AIRPORTS
CHAPTER 195
AIRPORT ZONING REGULATIONS

195.01	Short Title
195.02	Definitions
195.03	Airport Zones and Airspace Height Limitations
195.04	Use Restrictions
195.05	Lighting
195.06	Variances
195.07	Board of Adjustment Established
195.08	Board of Adjustments
195.09	Board of Adjustment Procedures
195.10	Powers of Board of Adjustment
195.11	Vote on Variations or Orders
195.12	Judicial Review
195.13	Administrative Agency
195.14	Conflicting Regulations
195.15	Penalties

195.01 SHORT TITLE. This chapter shall be known and may be cited as "The Albia Municipal Airport Height Zoning Ordinance."

195.02 DEFINITIONS. As used in this chapter, unless the context otherwise required:

1. "Airport": shall mean the Albia Municipal Airport.
2. "Airport Elevation": shall mean the highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be nine hundred sixty-three (963) feet.
3. "Airport Hazard": shall mean any structure or tree or use of land which would exceed the Federal obstruction standards as contained in fourteen (14) Code of Federal Regulations Section 77.21, 77.23 and 77.25 as revised for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
4. "Airport Primary Surface": shall mean a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulation (FAR) for the most precise approach existing or planned for either end of that runway.

The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

5. "Airspace Height": shall mean for the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

6. "Control Zone": shall mean airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.

7. "Instrument Runway": shall mean a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

8. "Minimum Descent Altitude": shall mean the lowest altitude expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

9. "Minimum Route Altitude": shall mean the altitude in effect between radio fixed which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

10. "Minimum Obstruction Clearance Altitude": shall mean the specified altitude in effect between radio fixes on VOR airways, off-airways routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two (22) miles of a VOR.

11. "Runway": shall mean a defined area on an airport prepared for landing and takeoff of aircraft along its length.

12. "Visual Runway": shall mean a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

195.03 AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS. In order

to carry out the provision of this section, there are hereby created and established certain zones which are depicted on the Albia Municipal Airport Height Zoning Map. A structure located in more than one (1) zone of the following zones is considered to be only in the zone with the more restrictive height limitations. The various zones are hereby established and defined as follows:

1. Horizontal Zone. The land lying under a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by:

a. Swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of runways 13 and 31, and connecting the adjacent arcs by lines tangent to those arcs.

(NOTE: The radius of the arch specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.)

b. No structure shall exceed one hundred fifty (150) feet above the established airport elevation in the horizontal zone, as depicted on the Albia Municipal Airport Height Zoning Map.

2. Conical Zone. The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet to (1) for a horizontal distance of four thousand (4,000) feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Albia Municipal Airport Height Zoning Map.

3. Approach Zone. The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

(NOTE: An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.)

A. The inner edge of the approach surface is 500 feet wide for runway(s) 13 and 31.

B. The outer edge of the approach zone is 1,500 feet

for runway 13. 2,000 feet for runway 31.

C. The approach zone extends for a horizontal distance of 5,000 feet at a slope of 20 to 1 for runway(s) 13 and 31.

No structure shall exceed the approach surface to any runway, as depicted on the Albia Municipal Airport Height Zoning Map.

4. Transitional Zone. The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extends at a slope of seven (7) to one (1) from the sides of the primary surface and from the sides of the approach surfaces. No structure shall exceed the transitional surface as depicted in the Albia Municipal Airport Height Zoning map.

5. Increase in Elevation of Structures. No structure shall be erected in the County that raises the published minimum descent altitude for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any Federal airway in the County.

195.04 USE RESTRICTIONS. Notwithstanding any other provisions of 195.03, no use may be made of land or water within the City or County in such manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

1. Lighting. All lights or illuminating used in conjunction with streets, parking, signs, or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Albia Municipal Airport or in the vicinity thereof.

2. Visual Hazards. No operation from any use shall produce smoke, glare, or other visual hazards within three(3) statute miles of any usable runway of the Albia Municipal Airport.

3. Electronic Interference. No operation from use in the City or County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

195.05 LIGHTING. Notwithstanding the provisions of 195.04, the owner of any structure over two hundred (200) feet above ground

level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1D and amendments. Additionally, any structure constructed after the effective date of this chapter (March 6, 1978) and exceeding nine hundred forty-nine (949) feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-1D and amendments.

Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City or County at its own expense to install, operate and maintain thereof such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

195.06 VARIANCES. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in violation of any section of his chapter, may apply to the board of adjustment for variance from such regulations. No application for variance to the requirements of this chapter may be considered by the board of adjustment unless cost of the application has been submitted to the Albia Municipal Airport Manager or Aeronautics Director for an opinion as to the aeronautical effects of such a variance. If not respond to the board of adjustment within fifteen (15) days from receipt of the copy of the application, the board may make its decision to grant or deny the variance.

195.07 BOARD OF ADJUSTMENT ESTABLISHED. There is hereby created a board of adjustment to have and exercise the following powers:

1. Appeals. To hear and decide appeals from any order, requirement, decision, or determination made by the Airport Zoning Board/Administrative Agency in the enforcement of this chapter.

2. Special Exemptions. To hear and describe special exemptions to the terms of this chapter upon which such board of adjustment under such regulations may be required to pass.

3. Variances. To hear and decide specific variances.

195.08 BOARD OF ADJUSTMENT. The board of adjustment shall consist of five (5) members appointed by the City Council/Board of County Supervisors and each shall serve a term of five years and until each successor is duly appointed and qualified. Of the members first appointed, one 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 term of one year.

Members shall be removed by the appointed authority for cause, upon written charges, after a public hearing.

195.09 BOARD OF ADJUSTMENT PROCEDURES. The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the board shall be held at the call of the chairperson and at such times as the board of adjustment may determine. The chairperson, or in his absence, the acting chairperson may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicting such fact and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the offices of the City Clerk and County Auditor, and on due cause shown.

195.10 POWERS OF BOARD OF ADJUSTMENT. The board of adjustment shall have the powers established in Iowa Statutes, Section 414.12.

195.11 VOTE ON VARIATIONS OR ORDERS. The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decisions or determination of any administrative official or to decide in favor of the applicant, on any matter upon which it is required to pass under this chapter, or to effect variations of this chapter.

195.12 JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected, by any decision of the board of adjustment, may appeal to the court of record as provided in Iowa Statutes, Section 414.15.

195.13 ADMINISTRATIVE AGENCY. It shall be the duty of the Chairman, Airport Zoning Board, to administer the regulation prescribed herein. Applications for permits and variances shall be made to the Chairman, Airport Zoning Board, upon a form furnished by the Chairman. Applications required by this chapter to be submitted to the Administrative Agency shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Chairman, Airport Zoning Board.

195.14 CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

195.15 PENALTIES. Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor. Each day a violation continues to exist shall constitute a separate offense.