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# **TITLE I**

## **TITLE I: MUNICIPAL GOVERNMENT, STRUCTURE AND OFFICERS**





# TITLE I

## CHAPTER 1: GENERAL ORGANIZATION

### ARTICLE 1 - MUNICIPAL CODE

1.01 TITLE. These ordinances will be known and cited as the Municipal Code of Inwood, Iowa.

1.02 DEFINITIONS. Terms used within this Municipal Code shall have the meanings defined below, unless specifically defined otherwise.

1. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. "City" means the City of Inwood, Iowa.
3. "City Code" or "Municipal Code" means the current Municipal Code of the City of Inwood, Iowa.
4. "Clerk" means the City Clerk of Inwood, Iowa.
5. "Code" means the specific chapter in which a specific subject is covered and bears a descriptive title word.
6. "Council" means the City Council of Inwood, Iowa.
7. "County" means Lyon County, Iowa.
8. "Measure" means an ordinance, resolution, amendment or motion.
9. "Oath" shall be construed to 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 the equivalent to the words "swear" and "sworn".
10. "Occupant, Tenant" applied to a building or land, shall include any person who inhabits the whole or part of such building or land, whether alone or with others.
11. "Ordinances" means the ordinances of the City of Inwood, as incorporated by the Municipal Code, ordinances not repealed by the ordinance adopting the Municipal Code and those passed hereafter.
12. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity and

## TITLE I

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

13. "Property" shall include real property, and tangible and intangible personal property unless clearly indicated otherwise.
14. "Property Owner" means a person owning private property in the city as shown by the county auditor's plats of the city.
15. "Public Place" includes but is not restricted to any city-owned space or property, either open or enclosed.
16. "Public Property" means any and all property owned by the city or held in the name of the city by any of the departments, commissions or agencies within the city government.
17. "State" means the State of Iowa.
18. "Statutes, Laws" means the latest edition of the Code of Iowa as amended.
19. "Sidewalk" means that portion of the street between the edge of the surfacing or curb line and the adjacent property line.
20. "Street" means and includes any public way, highway, street, avenue, boulevard or other public thoroughfare, and includes the entire width between property lines.

1.03 RULES OF CONSTRUCTION. In the construction of the Municipal Code, the following rules shall be observed:

1. Tense: words used in the present tense include the future.
2. May: grants a power.
3. Must: states a requirement.
4. Shall or Will: imposes a duty.
5. Gender: masculine gender shall include the feminine and neuter genders.
6. Interpretation: all general provisions, terms, phrases, and expressions contained in the City Code shall be liberally construed in order for the true intent and meaning of the Council may be fully carried out.
7. The singular includes the plural, and the plural includes the singular.

1.04 AMENDMENTS. All ordinances which amend, repeal or affect the Municipal Code will include proper reference to title, division, chapter, article, section, and subsection to maintain an orderly classification of ordinances of the city. Any amendment of an

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ordinance shall include in full the language of section, subsection, or paragraph as amended.

(Code of Iowa, Sec. 380.2)

- 1.05 ALTERING CODE. It is unlawful for any person to change or amend by additions or deletions any part or portion of the Municipal Code, or to insert or delete pages, or portions thereof, or to alter or tamper with the Municipal Code in any manner which will cause the law of the City to be misrepresented.
- 1.06 STANDARD PENALTY. Unless provided for elsewhere in the Municipal Code, any person failing to perform a duty, obtain a required license, or violating any provision of the Municipal Code, or rule or regulation adopted by reference shall be guilty of a simple misdemeanor and, upon conviction, be subject to a fine of not less than sixty-five dollars (\$65.00) and not to exceed six hundred twenty-five dollars (\$625.00) and/or imprisonment not to exceed thirty (30) days. The criminal penalty surcharge imposed by section 911.2 of the Iowa Code shall be added to a city fine and is not a part of any fine imposed by the City.  
(Code of Iowa, Sec. 364.3(2) & Sec. 903.1(a))
- 1.07 CATCHLINES AND NOTES. The catchlines of the several sections of the city code, titles, headings (chapter, division, article, title, 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 city code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of the section.
- 1.08 SEVERABILITY. If any section, provision, or part of the Municipal Code is judged invalid or unconstitutional, such judgment will not affect the validity of the Municipal Code as a whole or any section, provision, or part not judged invalid or unconstitutional.
- 1.09 SEPARATE OFFENSE. If a violation of this code is committed on more than one calendar day, a separate offense shall be deemed to have occurred on each such calendar day.
- 1.10 SINGLE OFFENSE. In cases where action or inaction is made punishable by more than one provision of this code, the city may select the provision or provisions of this code under which to proceed. In such a circumstance, a single offense shall result in no more than one conviction and penalty, subject to the provisions of section 1.09 of this chapter.
- 1.11 LIABILITY OF OFFICERS. No provision of this code designating the duties of any officer or employee of the city shall be construed to make such officer or employee liable for any fine or penalty for a failure to perform such duty, unless the intention of the council to impose such a penalty is specifically and clearly expressed in this code.

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- 1.12 LICENSE REVOCATION; INFRACTION CHARGES; CIVIL REMEDIES. A violation of this code, in addition to the penalties provided in this chapter, may subject the violator to loss of license or permit, a municipal infraction charge, or other civil remedies provided in other sections of this code. Conviction and imposition of sentence under this chapter shall not bar any such other civil remedies.
- 1.13 EXTENSION OF AUTHORITY. Whenever an officer or employee is required or authorized to do an act by a provision of this Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.
- 1.14 GENERAL STANDARDS FOR ACTION. Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board or officer or employee of the City and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny or revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.
- 1.15 INDEMNITY. The applicant for any permit or license under this Code of Ordinances, by making such application, assumes and agrees to pay for all injury to or death of any person or persons whomsoever, and all loss of or damage to property whatsoever, including all costs and expenses incident thereto, however arising from or related to, directly, indirectly or remotely, the issuance of the permit or license, or the doing of anything thereunder, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this Code of Ordinances or the terms and conditions of such permit or license, and such applicant, by making such application, forever agrees to indemnify the City and its officers, agents and employees, and agrees to save them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, including all costs and expenses incident thereto, by reason of the foregoing. The provisions of this section shall be deemed to be a part of any permit or license issued under this Code of Ordinances or any other ordinance of the City whether expressly recited therein or not.
- 1.16 PERSONAL INJURIES. When action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an

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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)

# **TITLE I**

## **CHAPTER 1: GENERAL ORGANIZATION**

### **ARTICLE 2 - BOUNDARIES**

2.01 **CORPORATE LIMITS.** The corporate limits of the City of Inwood are described as follows:

The whole section of eighteen (18) and the west half of section seventeen (17) in township number ninety eight (98), range forty seven (47) west of the fifth P.M. in the county of Lyon and the State of Iowa.

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## **CHAPTER 1: GENERAL ORGANIZATION**

### **ARTICLE 3 - CHARTER**

3.01 PURPOSE. The purpose of this article is to provide for a Charter incorporating the form of government existing in the City of Inwood, Iowa.

3.02 CHARTER. This article may be referred to as the Charter of the City of Inwood, Iowa.

3.03 FORM OF GOVERNMENT. The City of Inwood, Iowa, shall have the mayor-council form of government.

(Code of Iowa, Sec. 372.4)

3.04 POWERS AND DUTIES. The council, the mayor, and other city officers have such powers and perform such duties as authorized or required by State law and by the ordinances, resolutions, rules, and regulations of the City of Inwood, Iowa.

3.05 NUMBER AND TERM OF COUNCIL. The council consists of five (5) council members elected at large for overlapping four (4) year terms.

(Code of Iowa, Sec. 376.2)

3.06 TERM OF MAYOR. The mayor is elected for a term of four (4) years.

(Code of Iowa, 376.2)

3.07 COPIES ON FILE. The clerk shall keep an official copy of this Charter on file with the official records of the city clerk, and make available copies at the clerk's office for public inspection.

(Code of Iowa, Sec. 372.1)

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### CHAPTER 1: GENERAL ORGANIZATION

#### ARTICLE 4 - CORPORATE SEAL

- 4.01 SEAL AND CUSTODY. The council shall provide a seal, in the center of which shall be the words "Inwood, Iowa" and around the margin the words "City Seal", and the same is hereby declared to be the corporate seal. The clerk shall keep the corporate seal in his or her charge.
- 4.02 USE. The corporate seal shall be attached to all transcripts, orders, and certificates which it may be necessary or proper to authenticate.



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## CHAPTER 1: GENERAL ORGANIZATION

### ARTICLE 5 - ELECTIONS

- 5.01 MUNICIPAL ELECTION. The regular municipal election shall be held on the first Tuesday following the first Monday of November of each odd-numbered year.  
(Code of Iowa, Sec. 376.1)
- 5.02 TERMS. Terms of elected officers begin at noon on the first day in January which is not a Sunday or a legal holiday following their election.  
(Code of Iowa, Sec. 376.2)
- 5.03 NOMINATIONS. Candidates for elective city offices must be nominated as provided in Section 45 of the Code of Iowa.  
(Code of Iowa, Sec. 45)
- 5.04 PERSONS ELECTED IN CITY ELECTIONS. In a regular city election held for a city where the council has chosen to have nominations made in the manner provided by Chapter 44 or 45 of the Code of Iowa, the candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.  
(Code of Iowa, Sec. 376.8, & Sec. 45)
- 5.05 TIE VOTE. In case of a tie vote resulting in failure of one candidate to receive a majority vote, the tie shall be determined by lot by the Board of Canvassers.  
(Code of Iowa, Sec. 43.75)
- 5.06 CONTEST. A nomination or election to an office may be contested as provided in the Code of Iowa, except the Statement of Intent to Contest must be filed with the city clerk within ten (10) days after the nomination or election. At the trial of a nomination or election, the mayor is presiding officer except when the mayor's nomination or election is contested, in which case the council shall elect one of its members to serve as presiding officer.  
(Code of Iowa, Sec. 376.10)
- 5.07 OATHS. Each officer, elective, or appointive, before entering upon his or her duties, shall qualify by taking the prescribed oath and giving a bond when required before noon of the second secular day in January of the first year of the term of which such officers was elected.  
(Code of Iowa, Sec. 63.1)
1. **PRESCRIBED OATH:** 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

## TITLE I

I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Inwood, Iowa, as now or hereinafter required by law.

(Code of Iowa, Sec. 63.10)

2. OFFICERS EMPOWERED TO ADMINISTER OATHS: The following are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective office:

A. Mayor,

B. Clerk,

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

(Code of Iowa, Sec. 78.2(2 & 4))

### 5.08 SURETY BONDS. The following shall apply to surety bonds of municipal officers:

1. CONDITIONS. The City Clerk shall be bonded under a blanket bond in accordance with the conditions stated in the Code of Iowa.

(Code of Iowa, Sec. 64.2)

2. BOND NOT REQUIRED. Bonds shall not be required of council members.

(Code of Iowa, Sec. 64.1A)

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

(Code of Iowa, Sec. 64.13)

3. BONDS FILED. All bonds, after approval and proper record, shall be filed with the Clerk. 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. 64.23[6]) & (Code of Iowa, Sec. 64.24[3])

4. BOND APPROVED. Bonds shall be approved by the Council.

(Code of Iowa, Sec. 64.19)

### 5.09 UNAVOIDABLE CASUALTY. When on account of sickness, inclement weather, or unavoidable absence or casualty an officer has been prevented from qualifying within the prescribed time, he or she may do so within ten days after that fixed time.

## TITLE I

### CHAPTER 1: GENERAL ORGANIZATION

#### ARTICLE 6 - OFFICERS AND EMPLOYEES

6.01 GENERAL DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and ordinance, or as otherwise directed by the council, unless contrary to State law or City charter.

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

6.02 OFFICERS TO BE APPOINTED. The following appointments shall be made:

1. **CLERK.** The council shall appoint a city clerk to perform duties prescribed by State or City law.

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

2. **TREASURER.** The council shall appoint a treasurer to perform duties prescribed by State or City law.

3. **PEACE OFFICER.** The mayor may appoint the peace officer.

(Code of Iowa, Sec. 372.4)

4. **MAYOR PRO TEM.** The mayor shall appoint a council member as mayor pro tem.

(Code of Iowa, Sec. 372.4)

5. **OTHER OFFICERS AND EMPLOYEES.** The council may appoint other city officers and employees and prescribe their powers, duties, compensation, and terms unless provided otherwise by law.

(Code of Iowa, Sec. 372.13(4) & 372.4)

6. **CITY ATTORNEY.** The council shall appoint a city attorney to perform as prescribe as prescribed by State or City law.

6.03 BOOKS AND RECORDS. The public has the right, upon request, to examine, copy, or publish all books and records required to be kept by law or ordinance, unless the records are required to be kept confidential or this right is limited by other provisions in the Code of Iowa.

(Code of Iowa, Sec. 22.7)

6.04 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR. Each officer shall transfer to his or her successor in office all books, papers, records, documents and property in his or her possession pertaining to his or her office.

## TITLE I

- 6.05 CONFLICT OF INTEREST. A measure voted upon is not invalid by reason of conflict of interest in an officer of a city, unless the vote of the officer was decisive to passage of the measure. If a specific majority or unanimous vote of a municipal body is required by statute, the majority or vote must be computed on the basis of the number of officers not disqualified by reason of conflict of interest. However, a majority of all members is required for a quorum. For the purposes of this section, the statement of an officer that the officer declines to vote by reason of conflict of interest is conclusive and must be entered of record.

(Code of Iowa, Sec. 362.6)

- 6.06 RESIGNATIONS. Resignations may be made in writing by all council members and officers to the clerk or mayor.

(Code of Iowa, Sec. 69.4(5))

- 6.07 NON-ELIGIBILITY FOR REAPPOINTMENT. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which he or she was elected if, during that time, the compensation for the office has been increased.

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

- 6.08 VACANCIES. A vacancy in an elective office during a term of office shall be filled by the council within forty (40) days after the vacancy occurs, or as otherwise provided by law.

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

- 6.09 REMOVAL OF APPOINTED OFFICERS. Except as otherwise provided by 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 with the clerk and a copy shall be sent by certified mail to the person removed. Upon request filed with the clerk within thirty (30) days of the date of mailing the copy, the removed person 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 of the date the request is filed, unless the person removed requests a later date.

(Code of Iowa, Sec. 372.15)

- 6.10 POSITIONS COMBINED. The powers and duties of an appointed office or employment may be delegated to any other officer or employee or may be combined with each or any other office or position by resolution passed by a majority vote of the entire council.

(Code of Iowa, Sec. 63.3)

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

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

(Code of Iowa, Sec. 21.4)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

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

(Code of Iowa, Sec. 21.8)

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

(Code of Iowa, Sec. 362.5)

## **TITLE I**

1. Compensation of Officers. The payment of lawful compensation of a City officer or employee holding more than one City office or position, the holding of which is not incompatible with another public office or is not prohibited by law.  
(Code of Iowa, Sec. 362.5(1))
2. Investment of Funds. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.  
(Code of Iowa, Sec. 362.5(2))
3. City Treasurer. An employee of a bank or trust company, who serves as Treasurer of the City.  
(Code of Iowa, Sec. 362.5(3))
4. Stock Interests. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection 8 of this section, or both, if the contract is for professional services not customarily awarded by competitive bid, if the remuneration of employment will not be directly affected as a result of the contract, and if the duties of employment do not directly involve the procurement or preparation of any part of the contract.  
(Code of Iowa, Sec. 362.5(5))
5. Newspaper. The designation of an official newspaper.  
(Code of Iowa, Sec. 362.5(6))
6. Existing Contracts. A contract in which a City officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract may not be renewed.  
(Code of Iowa, Sec. 362.5(7))
7. Volunteers. Contracts with volunteer fire fighters or civil defense volunteers.  
(Code of Iowa, Sec. 362.5(8))
8. Corporations. A contract with a corporation in which a City officer or employee has an interest by reason of stock holdings when less than five percent (5%) of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.  
(Code of Iowa, Sec. 362.([9]))
9. Contracts. Contracts made by the City upon competitive bid in writing, publicly invited and opened.  
(Code of Iowa; Sec. 362.5(4))

## TITLE I

10. Cumulative Purchases. Contracts not otherwise permitted by this section for the purchase of goods or services by a city having a population of two thousand five hundred or less, 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 in a fiscal year.

(Code of Iowa, Sec. 362.5(11))

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

(Code of Iowa, Sec. 362.5(12))

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

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

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

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

## TITLE I

### CHAPTER 2: ADMINISTRATIVE CODE - EXECUTIVE

#### ARTICLE 7 - MAYOR

7.01 POWERS AND DUTIES. The powers and duties of the mayor shall be as follows:  
(Code of Iowa, Sec. 372.14)

1. **SUPERVISE DEPARTMENT HEADS.** Supervise and give direction to all city department heads concerning departmental functions. He or she may examine all department functions and records and 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. He or she may call special meetings of the council when necessary to the interests of the City.  
(Code of Iowa, Sec. 372.14(1)& (3))
3. **ACTION ON ORDINANCE.** May sign, veto, or take no action on an ordinance, amendment, or resolution passed by the council. He or she must provide a written explanation for a veto on an ordinance, amendment or resolution.  
(Code of Iowa, Sec. 380.5 & 380.6(2))
4. **REPORTS.** Make oral and written reports to the council at the first meeting of every month which concern municipal affairs, department, and recommendations suitable for council action.
5. **ANNUAL BUDGET.** Prepare and submit annually to the council an itemized budget of revenues and expenditures.
6. **CONTRACTS.** Sign all contracts on behalf of the city when authorized by the council.
7. **REPRESENT CITY.** Represent the city in all negotiations legally entered, unless this duty is otherwise delegated by law or ordinance.
8. **SECURE SERVICES.** Secure special or professional services not available to the city, upon order of the council.
9. **AUTHORIZE LICENSES AND PERMITS.** Sign all licenses and permits granted by the council, except those legally designated to be issued by another municipal officer.



## TITLE I

10. REVOKE LICENSES AND PERMITS. Under council authorization, revoke permits or licenses granted by the council when their terms, the city ordinances, or the State laws are violated by the holders of the permits or licenses.
  11. MAYOR PRO TEM. Designate one member of the council as mayor pro tem.
  12. ABSENTEE OFFICER. Provide that the duties of an absentee officer are carried on during the officer's absence.
  13. REMOVE NUISANCES. Order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. The order shall be in writing and carried out by a peace officer.
  14. MAYOR'S VETO. The Mayor may sign, veto or take no action on an ordinance, amendment or resolution passed by the council. However, the mayor may not veto a measure if the mayor was entitled to vote on the measure at the time of passage. If the Mayor exercises his or her veto power, he or she 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)
  15. PROCLAMATION OF EMERGENCY. Have the authority to take command of the police and govern the City by proclamation, upon making a determination that the time of emergency or public danger exists. Within the City limits the, the mayor has all the powers conferred upon the Sheriff to suppress disorders.  
(Code of Iowa, Sec. 372.14(2))
  16. SPECIAL MEETING. Call special meetings of the Council when the Mayor deems such meetings necessary to the interests of the City.  
(Code of Iowa, Sec. 372.14(1))
- 7.02 VOTING. The mayor is not a member of the council and may not vote as a member of the council.  
(Code of Iowa, Sec. 372.4)
- 7.03 COMPENSATION. The salary of the mayor shall be One Hundred Forty dollars (\$140) per month.  
(Code of Iowa, Sec. 372.13(8))

## TITLE I

7.04 APPOINTMENTS. The Mayor may appoint the following officials:  
(Code of Iowa Sec 372.4)

1. Mayor Pro Tem
2. Sewer Superintendent
3. Library Board of Trustees
4. Water Superintendent
5. Community Center Board

7.05 GENDER BALANCE. All appointive boards, commissions, committees and councils of the state established by the Code if not otherwise provided by law shall be gender balanced. No person shall be appointed or reappointed to any board, commission, committee, or council established by the Code if that appointment or reappointment would cause the number of members of the board, commission, committee, or council of one gender to be greater than one-half the membership of the board, commission, committee, or council plus one if the board, commission, committee, or council is composed of an odd number of members. If the board, commission, committee, or council is composed of an even number of members, not more than one-half of the membership shall be of one gender. If there are multiple appointing authorities for a board, commission, committee, or council, they shall consult each other to avoid a violation of this section.

All appointive boards, commissions, committees, and councils of a political subdivision of the state that are established by the Code, if not otherwise provided by law, shall be gender balanced as provided by subsection 1 unless the political subdivision has made a good faith effort to appoint a qualified person to fill a vacancy on a board, commission, committee, or council in compliance with subsection 1 for a period of three months but has been unable to make a compliant appointment. In complying with the requirements of this subsection, political subdivisions shall utilize a fair and unbiased method of selecting the best qualified applicants. This subsection shall not prohibit an individual whose term expires prior to January 1, 2012, from being reappointed even though the reappointment continues an inequity in gender balance.

APPLICABILITY. This Act is applicable to appointive boards, commissions, committees, and councils of a political subdivision of the state on and after January 1, 2012.

(Code of Iowa, Sec. 69.16A)

## TITLE I

### CHAPTER 2: ADMINISTRATIVE CODE - EXECUTIVE

#### ARTICLE 8 - MAYOR PRO TEM

8.01 POWERS AND DUTIES. The duties of the mayor pro tem shall be as follows:  
(Code of Iowa, Sec. 372.14(3))

1. VICE-PRESIDENT. Service as vice-president of the council.
2. PERFORM IN MAYOR'S ABSENCE. Perform the duties of the mayor in case of absence or inability of the mayor to perform his or her duties.
3. LIMITED POWER. Shall not have power to employ or discharge officers or employees that the mayor has the power to appoint, employ, or discharge without approval of the council.
4. VOTING. May vote as a member of the council.

8.02 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 shall be paid for that period such compensation as determined by the council, based upon mayor pro tem performance of the mayor's duties and upon the compensation of the mayor.  
(Code of Iowa, Sec. 372.13(8))

## TITLE I

### CHAPTER 3: ADMINISTRATIVE CODE - LEGISLATIVE

#### ARTICLE 9 - COUNCIL

9.01 NUMBER AND TERM OF COUNCIL. The Council shall consist of five council members elected at large, elected for terms of four years.

9.02 POWERS AND DUTIES. The powers and duties of the council shall be as follows:

1. GENERAL. All powers of the city are vested in the council unless otherwise provided by law or ordinance.  
(Code of Iowa, Sec. 364.2(1))
2. FUNDS. 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 may be specially assessed.  
(Code of Iowa, Sec. 384.2 (1), 384.16 & 384.38(1))
3. PUBLIC IMPROVEMENTS. Make all orders for the doing of public improvements, and award contracts for construction of any public improvements.
4. CONTRACTS. Make or authorize all contracts. No contract shall bind or obligate the city unless authorized by the council, and be in writing. Contracts authorized by resolution shall be drawn or approved by the city attorney before they are entered into. Any contracts based upon bidding would require bidding according to the Code of Iowa requirements.  
(Code of Iowa, Sec. 384.95-384.102)
5. OFFICERS AND EMPLOYEES. Appoint and remove city officers and employees unless otherwise provided by law or ordinance, and prescribe their powers, duties, compensation and terms of employment.  
(Code of Iowa, Sec. 372.13(4&8))
6. PRESCRIBE COMPENSATION. By ordinance, the council shall prescribe the compensation of the mayor, council members, and other elected city officers, but a change in the compensation of the mayor does not become effective during the term in which the change is adopted, and the council shall not adopt an ordinance changing the compensation of the mayor, council members, or other elected officers during the months of November and December in the year of a regular city election. A change in the compensation of council members becomes effective for all council members at the beginning of the term of the council members elected at the election

## TITLE I

next following the change in compensation. By resolution the council shall prescribe the compensation of appointed city officers and employees.

7. RECORDS. The council shall maintain records of its proceedings.  
(Code of Iowa, Sec. 372.13(5))

9.03 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:

1. APPROVED ACTION BY COUNCIL. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of all the council members. A resolution must be passed to spend public funds in excess of one hundred thousand dollars (\$100,000) on a public improvement project, or to accept public improvements and facilities upon their completion. Each council member's vote on a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated. As used in this chapter, "all of the members of the council" refers to all of the seats of the council including a vacant seat and a seat where the member is absent, but does not include a seat where the council member declines to vote by reason of a conflict of interest.

A measure voted upon is not invalid by reason of a conflict of interest in a member of the council, unless the vote of the member of the council was decisive to passage of the measure. The vote must be computed on the basis of the number of members not disqualified by reason of conflict of interest. However, a majority of all members is required for a quorum. For the purpose of this section, the statement of a council member that the council member declines to vote by reason of conflict of interest is conclusive and must be entered of record.

(Code of Iowa, Sec. 380.4)

2. OVERRIDING MAYOR'S VETO. Within thirty (30) days after the mayor's veto, the council may repass the ordinance or resolution by a vote of not less than two-thirds (2/3) of the council members; and the ordinance or resolution becomes effective upon repassage and publication.  
(Code of Iowa, Sec. 380.6(2))

3. MEASURES BECOME EFFECTIVE. Measures passed by the council, other than motions, become effective in one of the following ways:

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

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

## TITLE I

- b. If the mayor vetoes a measure and the council repasses the same measure after the mayor's veto, a resolution becomes effective immediately upon repassage; and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided 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))

9.04 COUNCIL COMMITTEES. The mayor shall appoint with approval of the council any council standing committees established by council resolution, and any special committees of the council. The standing committees shall consist of two council members; the first named shall be chairman. The mayor shall name the chairman of special committees and such other members as he or she deems appropriate. The mayor shall be an ex-official member of each committee. The mayor shall appoint the standing committees at the first meeting in January following each municipal election. Special committees may be named by the mayor when deemed useful to the city.

9.05 MEETINGS. Meetings of the council shall be as follows:

- 1. REGULAR MEETINGS. The regular meetings of the council shall be held on the first Monday of each month at 6:30 p.m. in the Council Chambers, City Hall.
- 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. 21.4)

- 3. OPEN MEETINGS. All meetings of the council, standing committees and city boards or commissions, or special committees shall comply with the open meeting laws of Iowa.

(Code of Iowa, Chapter 21)

## TITLE I

4. QUORUM. A simple majority of all councilmen is a quorum.  
(Code of Iowa, Sec. 372.13(1))
5. RULES OF PROCEDURE. The council shall determine the rules of its own proceedings by resolution, and the clerk shall keep such rules on file for public inspection.  
(Code of Iowa, Sec. 372.13(5))
- 9.06 ELIGIBILITY FOR APPOINTMENT. A councilperson is not eligible for appointment to any city office if the office has been created or the compensation of the office has been increased during the term for which the councilperson is elected.  
(Code of Iowa, Sec. 372.13(9))
- 9.07 COMPENSATION. The salary of each council member shall be forty dollars (\$40) for each official council meeting attended.  
(Code of Iowa, Sec. 372.13(8))
- 9.08 TENTATIVE AGENDA. The clerk shall prepare and post a tentative agenda for each meeting at a place, or places, designated by the council, one of which shall be near the place of meeting at the city hall. The posting shall be made at least twenty-four (24) hours before the meeting except as permitted under state law in case of emergencies.

## TITLE I

### CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION

#### ARTICLE 10 - CITY CLERK/TREASURER

10.01 CREATION OF OFFICE. There is hereby created the office of city clerk-treasurer to be appointed by a majority of the city council and to serve at the discretion of the Council. The City Clerk-Treasurer is appointed at the first meeting of January following a regular city election for a two-year term commencing on that date and continuing until a successor is appointed and qualified.

(Code of Iowa 372.13(3))

10.02 POWERS AND DUTIES. The powers and duties of the city clerk-treasurer shall be as follows:

1. ADMINISTER OATHS. Administer oaths of office to any city officer who is required to give an oath.  
(Code of Iowa, Sec. 78.2(4))
2. ATTEND MEETINGS. Attend all meetings of the council and its committees.
3. RECORD PROCEEDINGS. Record and preserve a record of each meeting's proceedings and publish a summary of council proceedings after each regular or special meeting.  
(Code of Iowa, Sec. 380.7(1))
4. ORDINANCES. Publish all ordinances immediately after passage and approval by council, and enter each ordinance in an ordinance record book, authenticating each ordinance and certifying as to the time and manner of publication.  
(Code of Iowa, Sec. 380.7(2) & 362.3)
5. RESOLUTIONS. Keep an official resolution record book, and enter each resolution therein.
6. COUNCIL COMMUNICATIONS. Keep and date all communications and petitions directed to the council or city, and endorse thereon council action taken on matters presented in such documents.  
(Code of Iowa, Sec. 372.13(4))
7. CORPORATE SEAL. Affix the corporate seal to those public documents or instruments as directed by the mayor or council, or as required by law.  
(Code of Iowa, Sec. 380.7(3))



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8. ELECTIONS. 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 no later than five o'clock p.m. (5:00) on the day following the last day on which nomination petitions can be filed.  
(Code of Iowa, Sec. 376.4)
  9. ISSUE LICENSES AND PERMITS. Issue all council-approved licenses and permits and keep records of them showing the date, number, to whom issued and for what purpose.
  10. OTHER DUTIES. Perform such other duties as specified by council resolution or ordinance.
  11. NOTIFY APPOINTEES. The clerk shall inform all persons appointed by the Mayor or Council to office in the City government of their position and time at which they shall assume the duties of their office.
- 10.03 CHIEF ACCOUNTING OFFICER. The clerk-treasurer shall be chief accounting officer of the city and:
1. SEPARATE ACCOUNTS. Keep separate accounts for every appropriation, department, public improvement or undertaking.
  2. ACCOUNTS RECEIVED. Keep an account of any cash, investment, account receivable and property received by, due to, or in the custody of the city.
  3. RECEIPT. Give a receipt for all cash or checks received, specifying the date received, from whom and for what account.
  4. ACCOUNTS DISBURSED. Keep accounts for cash disbursed, purchase or contract commitments, and property disposed of or sold by the city, and record each transaction in the correct fund, specifying the date and to whom paid.
  5. BUDGET ACCOUNTS. Maintain the budgetary accounts required by law and as directed by the council.
  6. BUDGET REPORTS. Prepare and publish all financial and budgetary reports and the list of claims, as required by law.
  7. REVENUES FROM CITY UTILITY. The gross revenues of a city utility, combined utility system, city enterprise, or combined city enterprise must be

## TITLE I

deposited promptly in the city's depository and be kept on the city books in a separate account for each and from other funds of the city.

(Code of Iowa, Sec. 384.85)

10.04 CUSTODY OF TREASURY. The clerk-treasurer shall have custody of the treasury and perform the following functions:

1. DEPOSITS. Deposit in banks authorized by the council any money held in his or her custody and belonging to the municipality in amounts not exceeding limits set by the council.

(Code of Iowa, Sec. 453.1)

2. BALANCE ACCOUNTS. Reconcile the bank statements with the city books, and certify monthly to the council the balance of cash and investments and amounts received and disbursed for each fund.

3. INVESTMENTS. Invest all idle funds and other funds as directed by the council in accordance with law.

(Code of Iowa, Sec. 453.9)

4. PAY CLAIMS. Pay all claims against the city only upon council order or other council authorization.

5. TREASURER. Be treasurer of all boards and commissions.

6. AUTHENTICATE DOCUMENTS. Sign all evidences of indebtedness, coupons, or certificates as required by law.

(Code of Iowa, Sec. 380.7(3))

10.05 CUSTODY OF RECORDS. The clerk-treasurer shall have custody of all records and documents pertaining to the municipality unless otherwise directed by law or ordinance and:

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

1. FILE AND RECORD TRANSACTIONS. File and preserve all receipts, vouchers, and other documents kept or required to be kept so as to prove the validity of every transaction and identity of any person having a beneficial relation thereto.
2. DESTROY OLD RECORDS. Destroy all vouchers and minor records over five (5) years old except those specified for retention by law. Anything that concerns land must be kept permanently.

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

3. FURNISH COPIES. Furnish, upon request, to any municipal officer a copy of any record, paper, or public document under his or her control when necessary to the discharge of the officer's duty. He or she shall also furnish a copy to any citizen when requested upon payment of the allowable charge set by law or council.

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

4. CERTIFY MEASURES. Certify to the county recorder all ordinances establishing zoning district, building lines, or fire limits, and a plat showing each district, lines, or limits.

(Code of Iowa, Sec. 380.11)

5. BONDS. Keep a register of all bonds outstanding, and record all payments made of interest and principal.

6. RECORD APPOINTMENTS. Keep a record of all appointments, notifying all persons appointed by the mayor or council of such appointments and the time of taking office.

10.06 PUBLICATION. The clerk-treasurer 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 municipal code 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 city code or law must be in a newspaper published at least once weekly and having general circulation in the city (except that ordinances and amendments may be published by posting in the official places set by ordinance).

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

10.07 COMPENSATION. The city clerk-treasurer shall be paid such compensation as specified by resolution of the council.

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

10.08 ELECTIONS. The Clerk shall perform the following duties relating to elections and nominations.

## **TITLE I**

1. In the event of a change in the method of nomination process used by the City, certify to the Commissioner of Elections the type of nomination process to be used by the City no later than ninety (90) days before the date of the regular city election.  
(Code of Iowa, Sec. 376.6)
2. 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 is timely filed.  
(Code of Iowa, Sec. 376.4)
3. Designate other employees or officials of the City who are ordinarily available to accept nomination papers if the clerk is not readily available during normal working hours.  
(Code of Iowa, Sec. 376.4)
4. Note upon the petition and affidavit accepted for filing the date and time that the petition was filed.  
(Code of Iowa, Sec. 376.4)
5. Deliver all nomination petitions, together with the text of any public measures being submitted by the Council to the electorate, to the County Commissioner of Elections not later than five o'clock (5:00) P.M. on the day following the last day on which nomination petitions can be filed.  
(Code of Iowa, Sec. 376.4)

## TITLE I

### CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION

#### ARTICLE 11 - CITY ATTORNEY

11.01 POWERS AND DUTIES. The city attorney shall be appointed by a majority vote of the council and shall receive such compensation as shall be established by resolution. The duties of the City Attorney shall be as follows:

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

1. **ATTEND MEETINGS.** Attend those meetings of the council at which he or she is requested to be present.
2. **DRAFTS.** Formulate drafts for contracts, forms, and other writings which may be required for the use of the city upon request.
3. **DOCKET AND RECORD OF OPINIONS.** Keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defended by the city attorney accompanied by all proceedings related to said actions.
4. **LEGAL OPINION.** Give his or her opinion in writing upon all questions of law relating to municipal affairs submitted by the council, the mayor, members of the council individually, municipal boards, or the head of any municipal department upon request.
5. **PREPARE ORDINANCES.** Prepare those ordinances which the council may desire and direct to be prepared and report to the council upon all ordinances before their final passage by the council and publication.
6. **REPRESENT CITY.** Act as attorney for the city in all matters affecting the city's interests, and appear on behalf of the city before any court tribunal, commission, or board. He or she shall prosecute or defend all actions and proceedings when so requested by the mayor or the council.
7. **REPRESENT MUNICIPAL OFFICERS AND EMPLOYEES.** Not appear on behalf of any municipal officer or employee before any court or tribunal for the purely private benefit of said officer or employee. He or she shall, however, if directed by the council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of said office or employment.

## TITLE I

8. CERTIFY BONDS AND POWER OF ATTORNEY. Sign the name of the city to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court; and when so signed, the city shall be bound upon the same.
  9. REVIEW CONTRACTS AND ORDINANCES. Make a written recommendation to the council and interested department heads concerning all contracts, documents, authorized power of the city officer, and ordinances submitted to him or her or coming under his or her notice before they go into effect.
- 11.02 COMPENSATION. The city attorney shall be paid such compensation as specified by resolution of the council.  
(Code of Iowa, Sec. 372.13(8))

## TITLE I

### CHAPTER 4: ADMINISTRATIVE CODE - ADMINISTRATION

#### ARTICLE 12 - SUPERINTENDENT OF PUBLIC WORKS

12.01 SUPERINTENDENT OF PUBLIC WORKS. A superintendent of public works shall be appointed by the council to serve at its pleasure, and shall work under the direction and supervision of the (council) or (mayor).

12.02 POWERS AND DUTIES. The powers and duties of the superintendent of public works shall be as follows:

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

1. **AUTHORITY.** Superintend all public works for council consideration, or as directed by the council.
2. **SUPERVISE STORM SEWERS.** Supervise and inspect the installation of all storm sewers in the city in accordance with the State Plumbing Code and good practice; and supervise the maintenance of all storm drainage.
3. **SUPERVISE WATER SYSTEM.** Operate city water supply and storage facilities in accordance with the best practice for the protection of the purity of the water supply and provision of an adequate supply and pressure to the system. Supervise and inspect the installation and connection of city water mains and water taps thereto in accordance with the State Plumbing Code.
4. **SHUT OFF WATER.** Shut off water supply when deemed necessary or in accordance with the city's water ordinance.
5. **UNCOVER MANHOLES.** Uncover manholes that are buried, raising them where necessary to keep them accessible.
6. **ABATE INCOMPLETE WORK.** Finish or correct any work on any private sewer connection to public system as authorized by Section 4.17, Chapter 2, Title II, of this Municipal Code.
7. **WATER METERS.** Be in charge of the installation and repair of water meters.
8. **MAINTAIN PUBLIC WAYS.** Be in charge of maintaining and repairing the sidewalks, alleys, bridges, and streets and keep them in a reasonably safe condition for travelers, including removal of snow and ice that imperils travel on public ways.

## TITLE I

9. SUPERVISE SANITARY SEWER INSTALLATION. Supervise the installation of all sanitary sewers in the city in accordance with the State Plumbing Code, and supervise the storm drainage system in the city.
  10. INSPECT CONNECTIONS. Inspect all sewer connections and sewer interceptors and keep records of these inspections.
  11. INVESTIGATE COMPLAINTS. Investigate all complaints of dangerous or impassable conditions on any sidewalk, street, alley, bridge, underpass or overpass, and repair the same, or report those findings that require its decision to the council.
  12. RECORDS. Maintain written records of the inspections of water and sewer work, of the purchase and disposition of equipment, of an up-to-date inventory, and of departmental activities.
  13. REPORTS. Make to the mayor monthly oral or written reports on departmental activities on or before the first day of each succeeding month.
- 12.03 COMPENSATION. The superintendent of public works shall be paid such compensation as specified by resolution of the council.  
(Code of Iowa, Sec. 372.13(8))



## TITLE I

### CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

#### ARTICLE 13 - LIBRARY BOARD

- 13.01 PUBLIC LIBRARY. The free public library established for the City of Inwood is to be known as the Inwood Public Library.
- 13.02 BOARD OF LIBRARY TRUSTEES. The Board of Library Trustees is established and shall consist of six resident members and one non-resident member. All resident members are to be appointed by the mayor and approved by the council. The non-resident member is to be appointed by the Mayor with the approval of the County Board of Supervisors.  
(Code of Iowa, Sec. 392.5)
- 13.03 QUALIFICATIONS. All resident members of the board shall be bona fide citizens, over the age of eighteen (18), and residents of the city. The non-resident member of the board shall be over the age of eighteen (18).
- 13.04 TERMS. All appointments to the board shall be for six years each, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third of the total number as possible to stagger the terms.
- 13.05 COMPENSATION. Trustees shall receive no compensation for their services.
- 13.06 POWERS AND DUTIES. The board shall have the following powers and duties:
1. OFFICERS. Meet and elect a chairperson, vice-chairperson, and secretary from its members.
  2. RESPONSIBLE FOR LIBRARY. Take charge, control, and supervision of the public library, its appurtenances, fixtures, and rooms for library purposes.
  3. DIRECT AFFAIRS. Direct and control library affairs.
  4. LIBRARIAN. Employ a librarian and fix the librarian's compensation.
  5. OTHER EMPLOYEES. Authorize the librarian to employ assistants and other employees necessary to operate the library properly.
  6. REMOVAL. Remove the librarian, assistants, or employees by a two-thirds vote of the board.

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7. SELECT LIBRARY MATERIALS. Select, or authorize the librarian to select, and make purchases of all library materials and supplies, within budgetary units set by the board.
  8. NONRESIDENT USE. Authorize the use of the library by nonresidents of the city and to fix charges thereof.
  9. FUNDS. Have exclusive control of all expenditures for library purposes including all monies available by gift or otherwise within council appropriations for library services.
  10. GIFTS. Accept and control the expenditure of all gifts, devises, and bequests to the library, and require the council to appropriate such monies to the library. (Code of Iowa, Sec. 392.5)
  11. RULES AND REGULATIONS. Make and adopt, amend, modify, or repeal rules and regulations for the care, use, and management of the library, and prescribe penalties for rule violations.
  12. RECORD. Keep a record of its proceedings.
  13. HISTORICAL ASSOCIATIONS. May make agreements with local county historical associations when applicable, to set apart room for and care for articles of historical or educational interest in the possession of the association, and purchase with library funds such materials necessary to preserve and protect such articles.
  14. ENFORCE THE PERFORMANCE OF CONDITIONS ON GIFTS. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City by action against the council.
- 13.07 POWER TO CONTRACT. The board may contract with any other board of trustees of a free public library and any school, corporation, city, and county. If there is a county library district, the city may contract with it for the use of the library by city residents. Such contract may be terminated at any time by mutual consent of the contracting parties, or by a majority vote of the electors represented by either contracting party.

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13.08 NONRESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by nonresidents by:

1. TERMS OF LOAN. Lending library materials to nonresidents on the same terms as to residents of the city, or upon payment of a special nonresident fee.
2. DEPOSITORIES. Establishing depositories of library materials to be loaned to nonresidents.
3. BOOKMOBILES. Establishing bookmobiles or a traveling library.
4. BRANCH LIBRARIES. Establishing branch libraries.

13.09 LIBRARY ACCOUNT. The council shall appropriate in the general fund a library account to be used for the operation and maintenance of the library. Expenditures shall be paid only on board orders, signed by the president and secretary. The warrant-writing officer is the city clerk.

13.10 ANNUAL REPORT. The board shall submit an annual comprehensive report to the council after the close of the municipal fiscal year.

13.11 OPEN MEETINGS. All meetings of the library board shall comply with the regulations stated in Chapter 21 of the Code of Iowa.

13.12 LIBRARY MATERIALS. Library materials include books, plates, pictures, photographs, engravings, paintings, drawings, maps, newspapers, magazines, pamphlets, broadsides, manuscripts, documents, letters, public records, microforms, sound recordings, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts, and written or printed materials regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of any of the following:

1. A public library.
2. A library of an educational, historical, or eleemosynary institution, organization, or society.
3. A museum.
4. A repository of public records.

(Iowa Code, Sec. 702.22(1))

13.13 LIBRARY EQUIPMENT. Library equipment includes audio, visual, or audiovisual machines, machinery or equipment belonging to, on loan to or otherwise in the custody of one of the institutions or agencies listed in section 14.12 of this Article.

(Iowa Code, Sec. 702.22(2))

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13.14 INJURY TO BOOKS OR PROPERTY. It shall be unlawful for a person to willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any library materials.

13.15 THEFT OF LIBRARY MATERIALS. The fact that a person has concealed library materials as defined in sections 13.12 and 13.13 or unpurchased property of a store or other mercantile establishment, either on the premises or outside the premises, is material evidence of intent to deprive the owner, and the finding of library materials or unpurchased property concealed upon the person or among the belongings of the person, is material evidence of intent to deprive and, if person conceals or causes to be concealed library materials or unpurchased property, upon the person or among the belongings of another, the finding of the same is also material evidence of intent to deprive on the part of the person concealing the library materials or goods.

13.16 DETENTION AND SEARCH.

1. Persons concealing property as set forth in section 13.15 may be detained and searched by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable manner by a person of the same sex and according to subsection 2 of this section.
2. No search of the person under this section shall be conducted by any person other than someone acting under the direction of a peace officer except where permission of the one to be searched has first been obtained.
3. The detention or search under this section by a peace officer, person employed in a facility containing library materials, merchant or merchant's employee does not render the person liable, in a criminal or civil action, for false arrest or false imprisonment provided the person conducting the search or detention had reasonable grounds to believe the person detained or searched had concealed or was attempting to conceal property set forth in section 13.15.

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### CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

#### ARTICLE 14 - COMMUNITY CENTER BOARD OF TRUSTEES

- 14.01 PURPOSE. The purpose of this chapter is to provide for the appointment of a community center board of trustees and to specify that board's powers and duties.
- 14.02 COMMUNITY CENTER. The community center for the Inwood Community shall be known as the Inwood Community Center. It shall be referred to in this chapter as the community center.
- 14.03 COMMUNITY CENTER TRUSTEES. The board of trustees of the community center, hereinafter referred to as the board, consists of six members of which two shall be city council persons, two at large members, one member from the Inwood Recreation Board, and one from outside the city limits.
- 14.04 QUALIFICATIONS OF TRUSTEES. All members shall be eighteen (18) years of age or older.
- 14.05 ORGANIZATION OF THE BOARD.

1. Term of office. The mayor shall appoint the city council members of the board to a one-year term. The mayor shall initially appoint with approval of the council, two at large members, and the member from outside the city limits to a three-year term. The member from the Inwood Recreation Board shall be initially appointed by the mayor subject to approval of the council, to a one-year term.

At the end of the terms for the at large members, and the member from outside the city limits, the board shall recommend replacements for said individuals to the mayor. The mayor and council can approve said appointment. If said recommended replacement is rejected by them then mayor shall appoint a replacement subject to the approval of the council. Said appointments shall be for three-year terms.

At the end of the term of the trustee from the Inwood Recreation Board, the Inwood Recreation Board shall recommend an appointee from their board to the mayor and the mayor and council may approve said appointment. If they reject said appointment the mayor may appoint another member of the Inwood Recreation Board, subject to the approval of the council.

Trustees cannot be reappointed after serving six consecutive years on the board.

2. Vacancies. Vacancies in the board shall be filled in the same manner as an original appointment except that the new trustee shall fill out the unexpired term for which the appointment is made.
3. Compensation. Trustees shall receive no compensation for their services.

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14.06 POWERS AND DUTIES. The board shall have and exercise the following power and duties.

1. Officers. To meet and elect from its members a president and such other officers as it deems necessary. The city clerk shall serve as board secretary - treasurer, but shall not be a member of the board.
2. Physical Plant. To have charge, control, and supervision of the community center, its appurtenances, fixtures and rooms contained therein except for the rooms controlled and occupied by the city library and city offices.
3. Charge of Affairs. To set rental rates, membership fees and to direct and control all affairs of the Inwood Community Center.
4. Hiring and Removal of Personnel. To employ or dismiss such personnel as the board determines necessary to operate said center.
5. Purchases. To select and make purchases of supplies and equipment within budgetary limits as set by the board.
6. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations for the use, care and management of said community center and setting and enforcing penalties for violations.
7. Expenditures. To have control of the expenditure of all funds allocated for community center use by the council, if any, and of all other monies including gifts, rental fees, user fees, or other fees collected under the rules of the board.
8. Proceedings. To keep a record of its proceedings.

14.07 EXPENDITURES. All money appropriated by the council for the operation and maintenance of the community center shall be set aside in an account for the community center. Expenditures shall be paid for only on orders of the board. The check writing office shall be the city clerk.

14.08 ANNUAL REPORT. The board shall make a report to the council immediately after the close of the fiscal year and said report shall show the money expended, funds collected, condition of the building, together with such further information as may be required by the council.

14.09 RULES AND REGULATIONS. The council shall have the right to adopt, amend, revoke, modify or repeal any rule, regulation or fee established by the board and the council's decision shall control said matter.

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14.10 BUDGET. The board shall adopt a budget. which shall be submitted to the council for approval.

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### CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

#### ARTICLE 15 - PLANNING AND ZONING COMMISSION

- 15.01 PLANNING AND ZONING COMMISSION CREATED. There is hereby created a city planning and zoning commission composed of five residents of the city who shall be qualified by knowledge and experience to act in matters pertaining to the development of city planning and zoning, none of whom shall hold any elective position in the city. Such members shall be appointed by the city council. While the jurisdiction of the city zoning ordinance is extended beyond the city limits into Lyon County, there may be added to the commission two nonresident members for overlapping three-year terms. All members shall have the same rights, privileges and duties regardless of residency.
- 15.02 TERM OF OFFICE. The term of office of commission members shall be three years, except that the members first named shall hold office for such terms not exceeding three years, that the terms of not more than one-third of the members will expire in any one-year. Any vacancy occurring on the commission, caused by resignation or otherwise, shall be filled by the council for the unexpired term. All members of such commission shall serve without compensation except their actual expenses which shall be subject to the approval of the council. The commission shall choose annually at its first regular meeting one of its members to act as chairman and another as vice-chairman to serve in the absence of the chairman.
- 15.03 POWERS. Said commission shall have and possess the following powers and such powers as may be incidental to the successful carrying out of the powers invested in it herein or such as may be expressly conferred upon it by law:
1. **PLANS.** To make such surveys, studies, maps, plans, or plats of the whole or any portion of the city and of any land outside thereof, which in the opinion of such commission bears relation to a comprehensive plan, and shall submit such plan to the council with its studies and recommendations and it may publish the same.
  2. **ZONING PLAN.** To prepare a plan for zoning regarding the height, number of stories, and size of buildings and other structures; the percentage of ground that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes and to this end shall prepare a preliminary report and hold public meetings thereon and after such hearings have been held, to submit its final report and recommendations to the city council.
  3. **RECOMMEND CHANGES.** To recommend to the council, from time to time, as conditions require, amendments, supplements, changes, or modifications in the



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comprehensive plan prepared by it, and recommend changes to the zoning regulations.

4. **OFFICIAL MAP.** To study and make recommendations on all subdivisions submitted for approval to the city and to make surveys and plans for an official map as a guideline for such approval.
5. **TRENDS.** To study trends of development in industrial, physical and social aspects of the community and make such reports as it may deem necessary.
6. **SURVEY.** To survey street and traffic problems and make recommendations thereon to the mayor and council.
7. **RECOMMENDATIONS.** To review and make recommendations on proposed vacations of streets and alleys.
8. **OPEN MEETING.** All meetings of the Planning and Zoning Commission shall comply with the regulations stated in Chapter 21 of the Code of Iowa.

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### CHAPTER 6: FISCAL MANAGEMENT

#### ARTICLE 16 - BUDGET

16.01 FINANCE 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.

16.02 PREPARATION. The annual operating budget of the city shall be prepared in accordance with the following:

1. ANNUAL BUDGET BY CLERK. The clerk shall be responsible for helping the mayor prepare the annual budget detail of revenues and expenditures, for review and adoption by the council in accordance with directives of the mayor and council.  
(Code of Iowa, Sec. 384.16)

2. BOARDS AND COMMISSIONS BUDGETS. 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 consideration in the proposed city budget no later than December 1 of each year and in such form as may be required by the clerk.  
(Code of Iowa, Sec. 384.20)

3. SUBMISSION TO COUNCIL. The clerk shall submit the completed budget proposal to the council no later than February 1 of each year.

4. COUNCIL REVIEW. The mayor and council shall review the proposed budget and may make any adjustments in the budget which they deem appropriate before accepting such proposal for publication of notice, 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 no less than ten (10) 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(3))

6. COPIES OF BUDGET. No later than ten (10) days before the public hearing, the clerk shall make available a sufficient number of copies of the detailed budget to

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meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the mayor and clerk and at the city library.

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

7. **PROTEST.** At the hearing, any resident or taxpayer of the city may present to the council objections or arguments in favor of any part of the budget for the following fiscal year.

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

8. **ADOPTION AND CERTIFICATION.** After the hearing, the council shall adopt, by resolution, a budget for at least the next fiscal year; and the clerk shall certify the necessary tax levy for the next fiscal year to the county auditor and the county board of supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget. 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))

- 16.03 **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 INCREASED.** Any increase in the total amount appropriated to a program must be prepared, adopted, and subject to protest in the same manner as the original budget.
2. **TRANSFER OF APPROPRIATION BETWEEN PROGRAMS.** 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.

(Code of Iowa, Sec. 384.18(4))

3. **TRANSFER WITHIN PROGRAMS.** When the clerk determines that one or more appropriation accounts need added authorizations to meet required expenditures, he or she shall inform the council; or if the council upon its own investigation so determines, and another account within the same program has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation, which alone or with the other account can provide the needed appropriations, the council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers.

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Upon the passage of the resolution and approval by the mayor, as provided by law for resolutions, the clerk shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the council. Thereupon, the clerk shall cause the appropriations to be revised upon the appropriation expenditure ledgers of the city, but in no case shall the total of the appropriation to a program be increased nor shall the total appropriation for all purposes be increased except by a budget amendment made after notice and hearing as required by law for such amendments.

(Code of Iowa, Sec. 384.15(1))

4. **TRANSFER BETWEEN FUNDS.** Transfers between funds may be approved by council resolution or as planned in the budget if permitted or required by law.

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### CHAPTER 6: FISCAL MANAGEMENT

#### ARTICLE 17 - FUNDS

17.01 FUND CONTROL. The clerk/treasurer shall establish and maintain separate and distinct funds only as required or permitted by law, and account to them as follows:

1. REVENUES. All monies received by the city shall be credited to the proper fund as required by law, ordinance, or resolution.  
(Code of Iowa, Sec. 384.3)
2. EXPENDITURES. No disbursements shall be made from a fund unless such disbursement is authorized by law, ordinance, or resolution, or 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. The governing body of a city utility, combined utility system, city enterprise or combined city enterprise which has a surplus in its fund may transfer such surplus to any other city fund, except the emergency fund, by resolution. A surplus shall be defined in accordance with generally accepted accounting principles as promulgated by the American Institute of Certified Public Accountants. No transfer shall be made that is in violation of state law or rules of the city finance committee.
7. BALANCING OF FUNDS. The clerk shall reconcile his or her fund accounts at the close of each month and submit a report thereof to the council.

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### 17.02 SPECIAL FUNDS; CASH FUNDS.

1. PETTY CASH FUND. The clerk shall be custodian of a petty cash fund not to exceed fifty dollars (\$50) 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. The clerk shall obtain some form of receipt or bill acknowledging payment by the vendor of his or her 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 and supporting detail shall be submitted to the council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

(Code of Iowa, Sec. 384.9)

- 17.03 FUND SURPLUS. The governing body of a city utility, combined utility system, city enterprise or combined city enterprise which has a surplus in its fund may transfer such surplus to any other city fund, except the emergency fund, by resolution. A surplus shall be defined in accordance with generally-accepted accounting principles as promulgated by the American Institute of Certified Public Accountants. No transfer shall be made that is in violation of State law or rules of the city finance committee.

(Code of Iowa, Sec. 384.89)

- 17.04 INVESTMENT POLICY. The Council shall establish an Investment Policy to comply with the standards set in Chapter 12B of the Code of Iowa. Copies of this Investment Policy shall be distributed to all appropriate officials.

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### CHAPTER 6: FISCAL MANAGEMENT

#### ARTICLE 18 - ACCOUNTING

- 18.01 BOOKS OF ORIGINAL ENTRY. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.
- 18.02 GENERAL LEDGER. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts, and for recording unappropriated surpluses.
- 18.03 CHECKS. Checks shall be prenumbered and signed by the Mayor and the Clerk following council approval, except as provided by Section 18.05 hereof.
- 18.04 BUDGET ACCOUNTS. There shall be established such individual accounts to record receipts by source and expenditures by program, subprogram and activity as will provide adequate information and control for budgeting purposes as planned and approved by the council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates, and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.
- (Code of Iowa, Sec. 384.20)
- 18.05 IMMEDIATE PAYMENT AUTHORIZED. The council may by resolution authorize the clerk to issue checks for immediate payment of amounts due which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include but is not limited to payment of utility bills, contractual obligations, payroll, and bond principal and interest.
- 18.06 UTILITIES. The clerk shall perform and be responsible for accounting functions of the municipally-owned utilities.

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### CHAPTER 6: FISCAL MANAGEMENT

#### ARTICLE 19 - FINANCIAL REPORTS

19.01 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, subprogram, and activity for the preceding month.

19.02 ANNUAL REPORT. Not later than December 1 of each year, there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the city, and all expenditures, the current public debt of the city, and the legal debt limit of the city for the current fiscal year. A copy of the annual report must be furnished to the Auditor of the State by December 1 of each year.

(Code of Iowa, Sec. 384.22)

19.03 CONTINGENCY ACCOUNT. Whenever the council shall have budgeted for a contingency account such an account shall be established in the accounting records but no claim 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 compelling evidence of an unexpected and unforeseeable need or emergency.



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### CHAPTER 6: FISCAL MANAGEMENT

#### ARTICLE 20 - PURCHASING

20.01 DEFINITIONS. As used in this chapter, unless the context clearly indicates otherwise:

1. "Estimated total cost of a public improvement" or "estimated total cost" means the estimated total cost to the governmental entity to construct a public improvement, including cost of labor, materials, equipment, and supplies, but excluding the cost of architectural or engineering design services and inspection.
2. "Governmental entity" means the state, political subdivisions of the state, public school corporations, and all officers, boards, or commissions empowered by law to enter into contracts for the construction of public improvements, excluding the state board of regents and the state department of transportation.
3. "Public improvement" means a building or construction work which is constructed under the control of a governmental entity and is paid for in whole or in part with funds of the governmental entity, including a building or improvement constructed or operated jointly with any other public or private agency, but excluding urban renewal demolition and low-rent housing projects, industrial aid projects authorized under Code of Iowa, Chapter 419, emergency work or repair or maintenance work performed by employees of a governmental entity, and excluding a highway, bridge, or culvert project, and excluding construction or repair or maintenance work performed for a city utility under Code of Iowa, Chapter 388 by its employees or performed for a rural water district under Code of Iowa, Chapter 357A by its employees.
4. "Repair or maintenance work" means the preservation of a road, street, bridge, culvert, storm sewer, sanitary sewer, or other public facility so that it remains in sound or proper condition, including minor replacements and additions as necessary to restore the public facility to its original condition with the same design.

20.02 COMPETITIVE BIDS FOR PUBLIC IMPROVEMENT CONTRACTS.

1. If the estimated total cost of a public improvement exceeds the competitive bid threshold of one hundred thousand dollars (\$100,000), or the adjusted competitive bid threshold established in Code of Iowa, section 314.1B, the governmental entity shall advertise for sealed bids for the proposed public improvement by publishing a notice to bidders as provided in Code of Iowa, section 362.3. The notice to bidders shall be published more than twenty days but not more than forty-five days before the date for filing bids.
2. A governmental entity shall have an engineer licensed under chapter Code of Iowa, Chapter 542B or an architect registered under Code of Iowa, Chapter 544A prepare

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plans and specifications, and calculate the estimated total cost of a proposed public improvement.

20.03 EXEMPTIONS FROM COMPETITIVE BIDS AND QUOTATIONS. Architectural or engineering design services procured for a public improvement are not subject competitive bid requirements.

20.04 PROHIBITED CONTRACTS. If the estimated total cost of a public improvement exceeds the competitive bid threshold of one hundred thousand dollars, or as established in Code of Iowa, section 314.1B, a governmental entity shall not divide the public improvement project into separate parts, regardless of intent, if a resulting part of the public improvement project is not let in accordance with section.

20.05 PROCEDURES FOR COMPETITIVE BID LETTING. The City will follow Code of Iowa, Chapter 38 for competitive bid letting pertaining to Bid Security, Notice to Bidders, Bid Security, Award of Contract, Opening and Considering Bids, Delegation of Authority and When a Hearing is Necessary.

20.06 COMPETITIVE QUOTATIONS FOR PUBLIC IMPROVEMENT CONTRACTS.

1. Competitive quotations shall be required for a public improvement having an estimated total cost that exceeds the amount provided in this section, but is less than the competitive bid threshold established in Title I, Section 20.02 of this Code.
2. The City will adhere to the competitive bid quotation threshold dollar amount set by the State of Iowa Bid Threshold Committee and this dollar amount is subject to annual adjustments by the Committee pursuant to Code of Iowa, section 314.1B.
3. a. When a competitive quotation is required, the governmental entity shall make a good faith effort to obtain quotations for the work from at least two contractors regularly engaged in such work prior to letting a contract. Quotations may be obtained from contractors after the governmental entity provides a description of the work to be performed, including the plans and specifications prepared by an architect or engineer, if required under Code of Iowa, Chapter 542B or 544A, and an opportunity to inspect the work site. The contractor shall include in the quotation the price for labor, materials, equipment, and supplies required to perform the work. If the work can be performed by an employee or employees of the governmental entity, the governmental entity may file a quotation for the work to be performed in the same manner as a contractor.
- b. The governmental entity shall designate the time, place, and manner for filing quotations, which may be received by mail, facsimile, or electronic mail. The governmental entity shall record the approved quotation in meeting minutes. Quotations approved outside a meeting of the governing body of a governmental entity shall be included in the minutes of the next meeting of the governing body.

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The governmental entity shall award the contract to the contractor submitting the lowest responsive, responsible quotation subject to section, or the governmental entity may reject all of the quotations.

- c. If a public improvement may be performed by an employee of the governmental entity, the amount of estimated sales and fuel tax which a contractor identifies in its quotation shall be deducted from the contractor's price for determining the lowest responsible bidder. If no quotations are received to perform the work, or if the governmental entity's estimated cost to do the work with its employee is less than the lowest responsive, responsible quotation received, the governmental entity may authorize its employee or employees to perform the work.

20.07 HORIZONTAL INFRASTRUCTURE. The State of Iowa Horizontal Infrastructure Bid Threshold Subcommittee for highway, bridge, or culvert projects will review the competitive bid thresholds applicable to city and county highway, bridge, and culvert projects. The subcommittee shall review price adjustments for all types of city and county highway, bridge, and culvert construction, reconstruction, and improvement projects, based on changes in the construction price index from the preceding year. Upon completion of the review the subcommittee may make adjustments in the applicable bid thresholds for types of work based on the price adjustments. The City will base its bid threshold for highway, bridge, or culvert projects as set by the Committee.

(Code of Iowa, Sec. 314 1A & Sec. 314.1B)

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### ARTICLE 21 - CUSTODY OF THE CITY'S PUBLIC RECORDS

- 21.01 RECORDS - CUSTODY AND CONFIDENTIALITY RULINGS. In compliance with Chapter 22, Code of Iowa, the officers and employees bearing the titles named herein shall be in custody of the particular records or class of records assigned to the positions named by this resolution and are directed to familiarize themselves with the requirements of the law in Chapter 68A, as amended. Whenever there is a doubt concerning whether a record is an open or confidential public record the custodian thereof shall withhold the record and immediately ask for an opinion of the city attorney interpreting the law. Every effort shall be made to expedite a decision and all doubts should be resolved in favor of openness.
- 21.02 CLERK'S DUTY - INFORMATION. The city clerk shall obtain and place in the hands of each named custodian a copy of the public records, law and any interpretations available to the city. The clerk shall also keep informed of any amendments or new interpretations and distribute such agenda to the named custodians promptly upon receipt thereof.
- 21.03 CUSTODIANS NAMED FOR SPECIFIED RECORDS.
1. POSITIONS NAMED. The following city positions named shall be custodians of the specific records and related items assigned to each position:
    - a. City Clerk.\* Council minutes and proceedings and related papers, ordinance and resolution records, reports filed, surety bonds, deeds, abstracts for city-owned property, petitions, correspondence, special assessment schedules, bond register, all budget papers, accounts, receipts, invoices, purchase orders, warrants/ checks, utility accounting records not in hands of superintendents, personnel records not in hands of a personnel officer.
    - b. Treasurer. (include as clerk's duties if position is combined) Treasurer's accounts, warrant records, investment records, depository agreements.
    - c. City Attorney (solicitor).\* Legal opinions, records of legal cases, investigations.
    - d. City Engineer (including any consultant). Plans, profiles, other engineering drawings, field notes.
    - e. Fire Chief. Inspection reports, incident records, correspondence, etc.
    - f. Building Officer (inspector). Plans, applications and permits pertaining to the office.

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- g. Librarian. Library circulation and accession lists or records.
  - h. Public Works Department Superintendent. Operating records, volume pumped, water quality tests, etc., customer billings if responsible for billing for water and sewer operations.
  - i. Zoning Administrator. Zoning correspondence, maps, plats, petitions, minutes of board of adjustment.
2. CITY CLERK CUSTODIAN. The city clerk shall be custodian of any papers, records or documents that are named for a position where the position is vacant or does not exist and shall be custodian of any records not named until and unless the council amends the foregoing list.

\*May withhold papers dealing with anticipated purchases of real property.

\*\*Must withhold "personal" data of officers and employees unless officer or employee permits release. Name, address, salary, social security number and years worked are not "personal".

## TITLE I

## **TITLE II**

### **TITLE II PUBLIC SERVICE AND PUBLIC HEALTH**

## TITLE II

### CHAPTER 1: SOLID WASTE CONTROL

#### ARTICLE 1 - GENERAL PROVISIONS

1.01 PURPOSE. The purpose of this chapter is to provide for the sanitary storage, collection, and disposal of solid wastes in order to protect the health, safety, and welfare of the citizens of this city from the hazards which may result from the uncontrolled disposal of solid wastes.

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

1. "Solid Waste" means garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including but not limited to materials generating from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by the Code of Iowa.

(Code of Iowa, 455B.301(20))

- a. Garbage means 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 byproducts, and shall include all such substances from all public and private establishments and from all residences.

(IAC, 567-100.2)

- b. Refuse means putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.

(IAC, 567-100.2)

- c. Rubbish means nonputrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, grass, bedding, crockery, or litter of any kind.

(IAC, 567-100.2)

2. "Residential Waste" means 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.

(IAC, 567-20.2)

3. "Landscape Waste" means any vegetable or plant wastes except garbage.



## TITLE II

The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

(IAC, 567-20.2)

4. "Toxic and Hazardous Wastes" means 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 careful disposal to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

5. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris.

(Code of Iowa, Sec. 455B.361(1))

6. "Rubble" means stone, brick, or similar inorganic material.

(IAC, 567-100.2)

7. "Open Burning" means any burning of combustible materials where the products of combustion are emitted into the open air without passage through a chimney or stack.

(IAC, 567-20.2)

8. "Backyard Burning" means the disposal of residential waste by open burning on the premises of the property where such waste is generated.

(IAC, 567-20.2)

9. "Open Dumping" means the depositing of solid wastes on the surface of the ground or into a body or stream of water.

(IAC, 567-100.2)

10. "Discard" means to place, cause to be placed, throw, deposit, or drop.

(Code of Iowa, Sec. 455B.361(2))

11. "Sanitary Disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

12. "Sanitary Disposal Project" means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a

## TITLE II

significant hazard to the public health or safety, and which are approved by the executive director.

(Code of Iowa, Sec. 455B.301(18))

13. "Sanitary Landfill" means a method of disposing of refuse on land by utilizing the principles of engineering to confine the refuse to the smallest practical volume and to cover it with a layer of earth so that no nuisance or hazard to the public health is created.

(IAC, 567-100.2)

14. "Salvage Operation" means any business, industry, or trade engaged wholly or in part in salvaging or reclaiming any product or material, including but not limited to chemicals, drums, metals, motor vehicles, or shipping containers.

(IAC, 567-20.2)

15. "Approved Incinerator" means equipment 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 particles of burning materials as approved by the city based on recommendations of the Environmental Protection Commission (EPC) of the Iowa Department of Natural Resources (IDNR).

16. "Owner" means in addition to the record titleholder any person residing in, renting, leasing, occupying, operating, or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

17. "Hazardous Waste" means those wastes which are included by the definition in section 455B.411, subsection 3, paragraph a, Code of Iowa and the rules of the Iowa Department of Water, Air, and Waste Management.

18. "Hazardous Substance" means any substance as defined in section 455B.381, subsection 1, Code of Iowa.

19. "Person Having Control Over A Hazardous Substance" means the same as set out in section 455B.381, subsection 8, Code of Iowa.

- 1.03 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.

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1.04 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.

1.05 LITTERING PROHIBITED. No person shall discard any litter on or in any water or land, except when and where authorized. 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.

(Iowa Code Sec. 455B.363)

1.06 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 of the EPC of the IDNR.

(IAC 567-101.3(1))

1.07 TOXIC AND HAZARDOUS WASTES. No person shall dump or deposit, or permit the dumping or depositing of toxic or hazardous wastes except in accordance with the Code of Iowa.

(Code of Iowa, Sec. 455B.411-455B.421)

1.08 WASTE STORAGE CONTAINERS.

1. Container Specification. Waste storage containers shall comply with the following specifications:

- a. Residential. Only a solid waste container issued by the solid waste collector, not exceeding one hundred fifty (150) pounds shall be placed at the curb for collection each week.
- b. Nonresidential. Nonresidential collection shall be made at such times and places and such rates as shall be agreed upon between the person requiring service and the collector, subject, to the supervision of the City Council.
- c. Residential Unit Based Pricing. The City will collect from each "residential premises" up to one (1) containers as defined in this ordinance per week for the monthly charge as set by the Inwood City Council. The contents of additional containers will only be collected if the container is marked with an identifying tag indicating that an additional fee of three dollars (\$3.00) per container has been paid.

2. Location of Containers. Residential solid waste containers shall be stored upon the residential premises. Nonresidential 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, and fully accessible to collection equipment. All containers shall have lids

## TITLE II

and shall prevent entrance of rain water or snow. Containers shall not be stored under the eaves of a building, or in any other location where containers would fill with rain water, snow, or ice.

3. TIME LIMIT. Containers, bags, packages, or other solid wastes placed at the curb line shall not be so placed more than twelve (12) hours in advance of the regularly scheduled collection day.

1.09 STORAGE OF YARD WASTES. All yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights of way. All yard wastes are to be disposed of at the city yard waste site. No open burning is allowed. Yard wastes shall not be disposed of with the regular collection of solid waste. IDNR has mandated no yard wastes will be disposed of at the landfill.

1.10 SANITARY DISPOSAL REQUIRED OF OWNER. It shall be the duty of each owner to provide for the sanitary disposal of all refuse accumulating on his or her premises before it becomes a nuisance. If such accumulation becomes a nuisance, the city may proceed to abate the nuisance. Any such accumulation remaining on any premises for a period of thirty (30) days shall be deemed a nuisance and the city may proceed to abate such nuisances in accordance with the provisions of Title III, Article 9, Nuisance Abatement Procedures or by initiating proper action in district court.

(Code of Iowa, Sec. 657.2)

1.11 PROHIBITED PRACTICES. It shall be unlawful for any person to:

1. UNLAWFUL USE OF CONTAINERS. Deposit refuse in any solid-waste containers other than his or her own without the written consent of the owner of such containers.
2. INTERFERE WITH COLLECTORS. Interfere in any manner with solid waste collection equipment or with solid-waste collectors in the lawful performance of their duties, whether such equipment or collectors be those of the city or those of any other authorized waste-collection service.
3. UNLAWFUL DISPOSAL. Dispose of refuse at any facility or location which is not an approved sanitary disposal project.
4. UNLAWFUL COLLECTION. Engage in the business of collecting, transporting, processing, or disposing of refuse within the city without a contract with the city, or possessing a city solid waste hauler permit.

## TITLE II

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.
- 1.12 CLEAN UP REQUIRED. Whenever a hazardous condition is 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 discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a clean up, as defined above, as rapidly as feasible to an acceptable, safe condition. The costs of the clean up 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 clean up services and begin in a reasonable time in relation to the hazard and the circumstances of the incident, the city may proceed to procure clean up services and bill the responsible person. 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 clean up 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 clean up.
1. NOTIFICATIONS. The first city officer or employee who arrives 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.

## TITLE II

### CHAPTER 1: SOLID WASTE CONTROL

#### ARTICLE 2 - COLLECTION AND TRANSPORTATION OF SOLID WASTE

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

1. "Solid Waste Collection" shall mean the gathering of solid wastes from public and private places.  
(IAC, 567-100.2)
2. "Solid Waste Transportation" shall mean the conveying of solid waste from one place to another by means of vehicle, rail, car, water vessel, conveyor, or other means.  
(IAC, 567-100.2)
3. "Residential Premises." A single family dwelling and any multiple family dwelling up to and including four (4) separate quarters. Garden type apartments and row type housing units shall be considered residential premises regardless of the total number of each such apartments or units which may be included in a given housing development.
4. "Dwelling Unit." Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.
5. "Property Served." Any property which is being used or occupied and is eligible to receive refuse collection and disposal service as provided by this chapter.
6. "Collectors." Any person authorized by the city to gather solid waste from public and private places.
7. "Single Family Dwelling" shall mean a structure containing one dwelling unit only.
8. "Multiple Family Dwelling" shall mean a structure containing more than one dwelling unit.

2.02 COLLECTION SERVICE. The City shall provide for the collection of refuse from residential, commercial, industrial or institutional premises within their jurisdiction which are not exempted by law.

(Code of Iowa, Sec. 455.302)

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- 2.03 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or refuse containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.
- 2.04 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.
- 2.05 FREQUENCY OF COLLECTION. All refuse shall be collected from residential premises at least once a week and from commercial, industrial, and institutional premises as frequently as may be necessary, but not less than once each week.
- 2.06 BULKY SOLID WASTE. Bulky solid waste which is too large or heavy to be collected in the normal manner of other refuse may be collected at the discretion of the collector upon request.
- 2.07 RIGHT OF ENTRY. Solid waste collectors are authorized to enter upon private property for the purpose of collecting refuse as required by this chapter. However, solid waste collectors shall not enter dwelling units or other residential buildings.
- 2.08 COLLECTION FEES. The collection and disposal of refuse as provided by this chapter is declared to be a benefit to the property served and therefore, a mandatory fee shall be levied and collected in accordance to the following:  
(Code of Iowa, Sec. 384.84(1))
1. SCHEDULE OF FEES. The fee for refuse collection and disposal services used or available shall be:  
  
35 – gallon container \$14.75 per month  
  
65 – gallon container \$15.75 per month

Editor's Note: Section 2.08(1) was amended by Ordinance 227 in July 7, 2014 and is effective July 2014)

2. PAYMENT OF FEES. The fees provided shall be due and payable under the same terms and conditions provided for payment for water service except that the provision of Subsections 3 and 4 hereof shall be used to enforce collection of delinquent fees.

## TITLE II

3. LATE PAYMENT PENALTY. Fees not paid when due shall be deemed delinquent and a late penalty of five dollars (\$5.00) shall be added.
  4. LIEN FOR NON-PAYMENT. Fees remaining unpaid and delinquent for a period of sixty (60) days 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.
  5. PAYMENT TO COLLECTOR. The City shall pay the collector by the month the amount due for that month.
- 2.09 COLLECTOR'S CONTRACT. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than his or her own within the City without first obtaining from the City an annual contract in accordance to the following:  
(Code of Iowa, Sec. 455B.302)
1. REQUIRED INFORMATION. The following information shall be required on the contract with the city:
    - a. Name and address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers.
    - b. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.
    - c. Collection program. A complete description of the frequency, routes and method of collection and transportation to be used.
    - d. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.
  2. INSURANCE. No collector's contract shall be entered into unless the applicant shall file and maintain with the city, in addition to all other requirements, evidence of satisfactory public liability insurance. This insurance must cover all pertinent operations of the applicant related to the business, equipment and vehicles to be operated in the following minimum amounts:

Bodily injury -	\$100,000 per person
	\$300,000 per occurrence
Property damage	\$ 50,000



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Each insurance policy required shall include provisions requiring the insurance agent to notify the city of the expiration, cancellation or other termination of coverage not less than ten (10) days prior to the effective date of such action.

3. **CONTRACT NOT TRANSFERABLE.** No license authorized by this chapter may be transferred to another person without council approval.
4. **OWNER MAY TRANSPORT.** Nothing within this chapter is to be construed as to prevent an owner from transporting solid waste accumulating upon premises owned, occupied or used by the owner, provided such refuse is disposed of properly in an approved sanitary disposal project.
5. **GRADING OR EXCAVATION EXCEPTED.** No contract or permit shall be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities. However, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public right-of-way.

## TITLE II

### CHAPTER 1: SOLID WASTE CONTROL

#### ARTICLE 3 - SOLID WASTE DISPOSAL

3.01 DEFINITIONS. For use in this article, the following terms are defined:

1. "Processing facility" shall mean any incinerator, baler, shredder or similar facility or process employed to reduce the volume or change the characteristics of, solid waste prior to final disposal.
2. "Site" shall mean any location, place or tract of land used for collection, storage, conversion, utilization, incineration or burial of solid wastes.  
(IAC, 567-100.2)
3. "Scavenging" shall mean the uncontrolled removal of materials from the unloading or working area of a sanitary disposal project.  
(IAC, 567-100.2)
4. "Operator" shall mean the person or agency authorized to conduct disposal operations at a public sanitary landfill or licensed private landfill.
5. "Resident" shall mean in addition to any person residing in the city, any person occupying or using any commercial, industrial or institutional premises within the city.
6. "Radioactive material" shall mean any solid, liquid, or gaseous material which emits radiation spontaneously.  
(Code of Iowa, Sec. 455B.331(2))

3.02 SANITARY DISPOSAL REQUIRED. Solid wastes generated or produced within the city shall be disposed of at a sanitary disposal or processing facility approved by the city and by the Executive Director of the EPC of the Iowa DNR.  
(Code of Iowa, Sec. 455B.307 (1))

3.03 EXCEPTIONS. Nothing in this article shall prohibit the filling, leveling or grading of land with earth, sand, ashes, cinders, slag, gravel, rock, demolition or construction rubble or similar inert wastes provided these materials are not contaminated or mixed with combustible, putrescible or other waste materials, and further providing that such fill is leveled and seeded with grass or other non-offensive vegetation, nor to the disposal of animal and agricultural wastes on land used or operated for farming.

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- 3.04 TOXIC AND HAZARDOUS WASTES. Toxic or hazardous wastes shall be disposed of only in accordance with explicit instructions first obtained from the Executive Director of the EPC of the Iowa DNR.  
(IAC, 567-102.14(2))
- 3.05 RADIOACTIVE MATERIALS. Materials that are radioactive shall not be disposed of in a sanitary disposal project. Luminous timepieces are exempt.  
(IAC, 567-102.14(1))
- 3.06 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by the approved operator are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the city.
- 3.07 PRIVATE SANITARY DISPOSAL PROJECT. No person may establish and operate a private sanitary disposal project within the city without approval of the council.

## TITLE II

### CHAPTER 2: SANITARY SEWER SYSTEMS

#### ARTICLE 4 - PUBLIC SEWER SYSTEMS

4.01 PURPOSE. The purpose of this article is to provide for the regulation of public and private sewer systems.

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

1. "Sewer System" means pipelines or conduits, pumping stations, force mains, vehicles, vessels, conveyances, injection wells, and all other constructions, devices and appliances appurtenant thereto used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal or disposal to any water of the state. To the extent that they are not subject to section 402 of the Federal Water Pollution Control Act as amended, ditches, pipes, and drains that serve only to collect, channel, direct, and convey nonpoint runoff from precipitation are not considered as sewer systems for the purposes of this chapter.

(Code of Iowa, Sec. 455B.171(32))

2. "Sewage" means the water-carried waste products from residences, public buildings, institutions, or other buildings, including the bodily discharges from human beings or animals together with such groundwater infiltration and surface water as may be present.

(Code of Iowa, Sec. 455B.171(29))

3. "Public Sewer" means a common sewer which is directly controlled by a public authority.

4. "Private Sewer" means a sewer privately owned and not directly controlled by a public authority.

5. "Sanitary Sewer" means a sewer which carries sewage and excludes storm, surface and ground water.

6. "Sanitary Sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water and industrial wastes.

7. "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.

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8. "Industrial Wastes" means any liquid, gaseous, radioactive, or solid waste substance resulting from any process of industry, manufacturing, trade or business or from the development of any natural resource.  
(Code of Iowa, Sec. 455B.171(9))
9. "Garbage" shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
10. "Properly Shredded Garbage" means garbage that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch to any dimension.
11. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.
12. "Building Sewer" is that part of the horizontal piping from the building wall to its connection with the main sewer or private sewage disposal system and conveying the drainage of but one building site.
13. "Natural Outlet" means any outlet into a water course, pond, ditch, lake or other body of surface or ground water.
14. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.
15. "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.
16. "Sewer Rental" means any and all rates, charges, fees, or rentals levied against and payable by contributors as consideration for the servicing of said contributors by said sewer system.
17. "Slug" means any discharge of water, sewage or industrial waste which in concentration of any given constituent, or if 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.

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18. "Interceptor" means a device designed and installed so as to separate and retain deleterious, hazardous and undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge into the drainage system.
  19. "Superintendent" means the person assigned to supervise the sanitary sewage collection system and treatment works.
  20. "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 20 degrees C., expressed in parts per million by weight.
  21. "pH" shall mean the logarithm of the reciprocal of the weight of the hydrogen ions in grams per liter of solution. It is used to indicate the concentration of free acid and alkali.
  22. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids which are removable by laboratory filtering.
- 4.03 DAMAGING SEWER SYSTEM. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.  
(Code of Iowa, Chapter 716)
- 4.04 MANHOLES. No person shall open or enter any manhole of the sewer system, except by authority of the mayor (or superintendent).  
(Code of Iowa, Chapter 716)
- 4.05 Reserved for Future Use.
- 4.06 PERMIT. Before any person opens, uncovers, or in any manner makes a connection with any part of the public sewers, he or she must obtain a written permit from the clerk. The following shall apply to all permits:
1. APPLICATION. The application shall be filed on blanks furnished by the city and contain the following information:
    - a. Legal description of the property.
    - b. Name of property owner.
    - c. Amount and date of any prior assessment for construction of the public sewers.

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- d. Description of materials to be used and manner of construction.
  - e. The line of the building sewer and place of connection.
  - f. Intended use of the sewer.
  - g. Name and address of the person doing the work.
2. **ISSUANCE.** The permit shall be issued bearing the time and date of issuance if the proposed work meets all the requirements and if all required fees have been paid. Work under any permit must begin within six (6) months of the issuance date.
  3. **REVOCATION.** The mayor (or superintendent) at any time may revoke the permit for any violation of this chapter and require that the work be stopped. The owner or plumber may appeal such action to the council.
  4. **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.
  5. **EXTENSION OF TIME.** When, in the judgment of the superintendent, a property owner on application has made sufficient showing that due to conditions beyond his or her control or peculiar hardship, the period of time set forth for the completion of the connection shall be inequitable or unfair to him or her, an extension of time within which to comply with the provisions herewith may be granted.
- 4.07 **CONNECTION REQUIRED.** The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or " other purposes, situated within the City and abutting on any street, alley or, right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within sixty (60) days after date of official notice from the City to do so provided that said public sewer is located within two-hundred fifty (250) feet) of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer. The following shall pertain to all connections.
- (Code of Iowa, Sec. 364.12 (3f)) & (IAC, 567-69.3(3))
1. **PLUMBER TO MAKE CONNECTION.** Any installation of a private sewer and its connection to a public sewer shall be made by a competent plumber with experience in laying drain and sewer pipes.
  2. **CONNECTION FEE.** The fee for the initial connection of sewer line shall be:

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- a. \$150.00 per lot for all property in the city except as specified in Paragraph B hereof.
  - b. \$450.00 per lot for property in Block 1, Lots 1-12; Block 2, Lots 1-7; and Block 3, Lots 1-15 of the Holland-Bahnsen Addition.
3. SPECIAL CONNECTION CHARGE. If the property to be connected to a public sewer has not been assessed for any part of the cost of construction of the public sewers, or has been assessed only as an unimproved lot, the owner shall pay a special connection charge to the city for the use of the public sewers before the permit is issued. The fee amount shall be determined by the council by ordinance.
4. INSPECTION. 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 he or she shall inspect and test the work as to workmanship and material. No sewer pipe laid under ground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.
5. SEPARATE CONNECTIONS. In no case shall a joint sewer be allowed where the property abuts on a street, alley or easement in which there is a public sewer. Other buildings in adjacent areas which are required to be connected shall be separately and independently connected to the public sewers unless the council specifically permits joint connections by resolution.
6. 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 article.
7. 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 a crawl space, unless the ground floor is installed with the areas 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



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construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

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. SEWER TAPS, AT "Y" BRANCH. Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, the property owner shall, at his or her own expense, install a "Y" saddle, carefully mortared set into the public sewer at the location specified by the clerk.
  10. WATERCOURSE CROSSINGS. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed and where there is any danger of undermining or settlement, cast iron soil pipe, PVC, 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, PVC, or encased clay pipe shall rest on firm, solid material at either end and be adequately supported if more than one pipe length is used.
  11. ALIGNMENT AND GRADE. All four (4) inch building sewers shall be laid to a straight line and at a grade of not less than one-fourth (1/4) inch per foot. A six (6) inch building sewer may be laid at a grade of not less than one-eighth (1/8) inch per foot. Any deviation in alignment or grade shall be made only with the written approval of the superintendent. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor.
  12. JOINTINGS. Fittings, types 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. Jointing in vitrified clay pipe sanitary sewers shall be of the O-ring or plastic joining known as ASTM C-425 Types I and III, flexible compression joints. Cast iron pipe shall be lead jointed, properly swagged tight, or installed with approved gaskets.
  13. BOND. The person performing the connecting shall provide a surety bond in the sum of \$1,000 secured by a responsible surety bonding company authorized to operate within the state.
- 4.08 QUALITY OF PIPE AND FOUNDATION. Building sewer pipes shall be of the best quality, free from flaws, splits or breaks. They shall be laid on a smooth bottom with bell

## TITLE II

holes cut in the bottom of the trench so that the joining of the bell and the spigot shall be watertight, gastight and root proof. All sewer pipes must be laid in such a manner as to prevent rupture or misalignment by settlement or freezing. Materials shall be as specified in the state plumbing code except that the building sewer pipe, from the property line to the public sewer, shall comply with one of the following requirements:

- A. Clay Sewer Pipe - A.S.T.M. C 13-50 (Standard Strength)
- B. Clay Sewer Pipe - A.S.T.M. C 200-50T (Extra Strength)
- C. Extra Heavy Cast Iron Soil Pipe
- D. Cast Iron Water Pipe - A.S.A. A21.11
- E. P.V.C. Schedule 40-A.S.T.M. D2665-68.

4.10 OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be the responsibility of the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4.11 INTERCEPTORS. Grease, oil, sludge and sand interceptors shall be provided by 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. All interceptors shall be of a type and capacity as provided by the State Plumbing Code, and shall be located so as to be readily and easily accessible for cleaning and inspection.

1. REQUIREMENT. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.

2. MAINTENANCE. All interceptors of grease, oil, sludge and sand shall be maintained by the owner at his or her expense in continuously efficient operations at all times.

4.12 EXCAVATIONS. Excavations for sewers shall be dug so to present the least possible inconvenience to the public and to provide for the passage of water along the gutter. Such excavations shall have proper barricades at all times, and warning lights placed from one-half (1/2) hour before sunset to one-half (1/2) hour after sunrise. The excavation must be

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backfilled in accordance with city specifications as to material and compaction so as to prevent settlement. The plumber must maintain the affected area in good repair to the satisfaction of the council for three (3) months after refilling. No excavation shall be made within six (6) feet of any laid water pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the superintendent.

1. **PIPE BED.** Immediately prior to installing the pipe, the trench bottom shall be accurately shaped and graded by hand and bell holes shall be excavated so that the pipe will have uniform contact with a longitudinal bearing on undisturbed earth along its entire barrel length. Bell holes shall be excavated by the pipe layer immediately prior to laying the pipe and shall be of such depth that the pipe bell does not come in contact with the bottom of the bell hole. All sewer pipe shall be laid with the bell end upgrade. Where the floor of the trench at the proper grade is of hard or rock material, the floor shall be excavated four (4) inches or more below the grade and backfilled with fine gravel or material approved by the superintendent. Where the floor of the trench at the proper grade is of unstable material the same treatment as described above shall be provided.
  2. **BACKFILL.** All sewer pipe shall be provided with adequate bottom and lateral support by thoroughly, carefully and adequately tamping and ramming suitable and proper backfill material beneath, around, and to the top of the pipe between the bell holes and sewer joints. All material used for pipe embedment and tamped backfill shall be free of stones, sticks, large clods, lumps of earth, debris, or similar material. When backfill is made in and across a roadway ditch or other watercourse it shall be protected from surface erosion by adequate means. Backfill shall be made with dirt and tamped by hand to a depth of six (6) inches over the pipe. The remainder of the trench shall be backfilled and tamped with gravel or materials approved by the superintendent. All excess dirt will be removed immediately and before the connection is approved by the superintendent.
- 4.13 **SEPARATE TRENCHES.** The building drain and water service pipe shall be at least ten feet apart horizontally, and shall be separated by undisturbed or compacted earth.
- 4.14 **EXCEPTION.** The building sewer or building drain may be placed in the same trench with the water service pipe provided the following conditions are met:
1. **WATER SERVICE PIPE ABOVE SEWER LINE.** The bottom of the water service pipe, at all points, shall be at least twelve inches above the top of the sewer line at its highest point.
  2. **WATER SERVICE PIPE ON SHELF.** The water service pipe shall be placed on a solid shelf excavated at one side of the common trench. Where ground conditions do not permit a shelf, the pipe may be laid on a solidly tamped backfill.

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3. NUMBER OF JOINTS. The number of joints in the water service pipe shall be kept to minimum.
  4. PRESSURE PROHIBITED. No part of the building sewer or building drain shall be under pressure.
- 4.15 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.  
(Code of Iowa, Sec. 364.12)
- 4.16 COMPLETION BY CITY. Should any excavation be left open or partly refilled for twenty-four (24) hours after the private sewer is installed and connected with the public sewer, the superintendent shall have the right to finish or correct the work, and the council shall assess the costs to the property owner or the plumber. If the plumber is assessed, he or she must pay the costs before he or she can receive another permit. The plumber's bond required for a plumber's license shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.  
(Code of Iowa, Sec. 364.12(3h))
- 4.17 INSPECTION AND APPROVAL. All private sewers and their connections with the public sewers must be inspected and approved by the superintendent before being backfilled. If approval is refused, the plumber or owner must proceed immediately to correct the work so that it will meet with approval.
- 4.18 PROHIBITED DISCHARGE SPECIFIED. No person shall discharge or cause to be discharged any of the following described waters or waste to a public sanitary sewer:
1. UNPOLLUTED WATERS OR WASTES IN SEWERS.
    - a. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
    - b. 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

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outlet approved by the superintendent of utilities. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent to a storm sewer, combined sewer or natural outlet.

- c. No owner or occupant of any building shall discharge or permit to be discharged into the sanitary sewers any substance which will clog the pipes or joints or interfere unduly with the sewage disposal process.
2. **HIGH TEMPERATURE.** Any liquid or vapor having a temperature higher than 150 degrees F.
3. **FAT OIL, GREASE.** Any water or waste which contains more than one hundred (100) parts per million by weight of fat, oil, or grease.
4. **FLAMMABLE MATERIALS.** Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
5. **GARBAGE.** Any garbage that has not been properly shredded.
6. **SOLID OR VISCOUS SUBSTANCES.** Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing the obstruction of the flow in sewers or other interference with the proper operation of the city's sewage and treatment system.
7. **SUSPENDED SOLIDS.** Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
8. **CORROSIVE WASTES.** Any water or wastes having corrosive properties paunch capable of causing damage or hazard to structures, equipment or personnel of the sewage system. Free acids and alkalis of such wastes must be neutralized within a permissible range of pH between 4.5 and 10.0.
9. **SLUGS.** Any wastes that for a duration of fifteen (15) minutes have a concentration greater than five (5) times that of "normal sewage" as measured by suspended solids.
10. **NOXIOUS OR MALODOROUS GAS.** 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.

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11. TOXIC OR POISONOUS SUBSTANCE. Any water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with sewage treatment or the sewer system, that would constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewer system.
  12. MATERIALS WHICH REACT WITH WATER OR WASTES. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to sewer structures and treatment processes.
  13. SPECIAL AGREEMENTS PERMITTED. No statement in this section shall be construed as preventing any special agreement, arrangement or contract between the council and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions as to treatment, rate and cost as established by the council.
  14. SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the council upon recommendation of the superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interest of the sewer system.
- 4.19 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 system upon the terms and conditions stipulated by resolution of the council.  
(Code of Iowa, Sec. 364.4(2&3))
- 4.20 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines located upon the private property of any owner which is in violation of any of the requirements of this article, with the exception of the requirements of Subsection 4.19(14) of this article, shall be corrected at the owner's expense, within thirty (30) days after date of official notice from the council of such violations. If not made within such time the council shall, in addition to the other penalties provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.  
(Code of Iowa, Sec. 364.12(3h))

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- 4.21 SEWER LINE EXTENSIONS. The City will, upon approval by the council, will extend sewer lines to property not served by a public sewer provided, however, that property owners shall reimburse the city on a pro-rata basis for all costs of such extension whenever any connection to such line is made.

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### CHAPTER 2: SANITARY SEWER SYSTEMS

#### ARTICLE 5 - PRIVATE SEWER SYSTEMS

5.01 DEFINITIONS. The following terms are defined for use in this article.

1. "Private Sewage Disposal System" means all equipment and devices necessary for proper conduction, collection, storage, treatment and disposal of sewage from a dwelling or other facility serving the equivalent of fifteen (15) persons or less and including building sewers, septic tanks, absorption fields, leaching or seepage pits, privy vaults and subsurface sand filters.
2. "Reasonably Accessible" means a distance from a property to a sanitary sewer of 250 feet is practical for a connection to a public sewer system in specific circumstances.

5.02 WHEN PROHIBITED. No private sewage disposal system shall be installed where a public sanitary sewer is reasonably accessible as determined by the council unless an exception is granted in writing.

(IAC, 567-69.3 (3)(a)(1))

5.03 PRIVATE SYSTEM REQUIRED. When a public sanitary sewage is not reasonably accessible, every building wherein persons reside, congregate or are employed shall be provided with private sewage disposal system complying with state and local laws.

(IAC, 567-69.3(3)(a)(3))

5.04 CONNECTION REQUIRED WHEN AVAILABLE. When a public sanitary sewer becomes reasonably accessible, any building then served by a private sewage disposal system shall be connected to the public sewage system.

(IAC, 567-69.3(3)(a)(2))

5.05 PRIVATE SYSTEMS ABANDONED. Within sixty (60) days of notice that a public sewer is available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer and the private sewage disposal facility shall be abandoned and filled with suitable material.

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

5.06 COMPLIANCE WITH STATE RULES. The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Health.



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- 5.07 DISCHARGE TO NATURAL OUTLETS PROHIBITED. No septic tank or cesspool shall be permitted to discharge to any natural outlet or drain into the open.  
(IAC, 567-69.3(3)(c))
- 5.08 MAINTENANCE OF FACILITIES. The owner of private sewage disposal facilities shall operate and maintain the facilities in a sanitary manner at all time and at no expense to the city.
- 5.09 DISPOSAL OF WASTE. It shall be unlawful for any person to place any effluent or waste from cesspools, septic tanks or privy vaults in any place in the city except where may be designated by the council. The rate or charge for receiving such waste shall be determined by resolution of the council.
- 5.10 ADDITIONAL REQUIREMENTS. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any health officer acting in his or her official capacity.

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### CHAPTER 2: SANITARY SEWER SYSTEMS

#### ARTICLE 6 - SEWER RENTAL

- 6.01 SEWER RENTAL REQUIRED. It is determined and declared to be necessary and conducive to the protection of the public 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 of such public wastewater treatment works.

(Code of Iowa, Sec. 384.84(1))

- 6.02 RENTAL RATES. Each contributor shall pay a sewer rental based on water service attributable to the contributor for property served as listed below and a flat rate fee of \$25.00 per month will be established in addition to the metered rates:

(Code of Iowa, Sec. 384.84(1))

Usage	Flat Rate	Metered Rate	Sewer Rent
1,000	\$25.00	\$7.25	\$32.25
2,000	\$25.00	\$8.75	\$33.75
3,000	\$25.00	\$10.25	\$35.25
4,000	\$25.00	\$11.75	\$36.75
5,000	\$25.00	\$13.25	\$38.25
6,000	\$25.00	\$14.75	\$39.75
7,000	\$25.00	\$16.25	\$41.25
8,000	\$25.00	\$17.75	\$42.75
9,000	\$25.00	\$19.25	\$44.25
10,000	\$25.00	\$20.75	\$45.75

For each 1,000 gallons over 10,000 gallons, add \$1.50 for sewer rent plus the flat rate of \$25.00.

(Editor's Note: Ordinance 215 was adopted on November 3, 2009 and effective December 1, 2009)

- 6.03 SPECIAL RATES. Where in the judgment of the council, special conditions exist to the extent that the application of the sewer rental provided in section 6.02 would be inequitable or unfair to either the city or the contributor, a special rate shall be proposed by the council and submitted for approval by resolution.

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- 6.04 PRIVATE WATER SYSTEMS. Contributors whose premises are served by a private water system shall pay sewer rentals based upon water use as determined by the council either by an estimate agreed to by the contributor or by metering the water system at the contributor's expense. Any negotiated or agreed upon sales or rentals shall be subject to approval of the council.

(Code of Iowa, Sec. 384.84(2b))

- 6.05 PAYMENT OF BILLS. All sewer rentals shall be due and payable under the same terms and conditions, including penalty for late payment, provided for payment for water service except that the provisions of section 6.06 shall be used to enforce collection of delinquent sewer charge. Water service may be discontinued for failure to pay sewer rental charges.

(Code of Iowa, Sec. 384.84(1))

- 6.06 LIEN FOR NONPAYMENT. Sewer rental charges remaining and delinquent after the due date shall constitute a lien upon the premises served and shall be certified by the clerk to the county treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84(1))

## TITLE II

### CHAPTER 3: WATER SERVICES

#### ARTICLE 7 - PUBLIC WATER SYSTEM

- 7.01 PURPOSE. The purpose of this chapter is to provide for the regulation of the public water system and water meters and the establishment of water rates.
- 7.02 DEFINITIONS. For use in this chapter the following terms are defined:
1. "Water System" or "Water Works" means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.
  2. "Water Main" means a water supply pipe provided for public or community use.
  3. "Water Service Pipe" means the pipe from the water main to the building served.
  4. "Customer" means any person receiving water service from the city.
  5. "Superintendent" means the waterworks superintendent or his or her duly authorized assistant, agent or representative.
- 7.03 MANDATORY CONNECTIONS. All residences and business establishments within the city limits intended or used for human habitation, occupancy or use shall be connected to the public water system if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.
- 7.04 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a competent plumber. The superintendent shall have the power to suspend the license of any plumber for violation of any of the provisions of this article. A suspension, unless revoked, shall continue until the next regular meeting of the city council. The superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension and the time and place of the council meeting at which he or she will be granted a hearing. At this council meeting, the superintendent shall make a written report to the council stating his or her reasons for the suspension, and the council, after fair hearing, shall revoke the suspension or take any further action that is necessary and proper.

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7.05 PERMIT REQUIRED. Before any person makes a connection with the public water system, a written permit must be obtained from the clerk. The following shall apply to all permits:

1. APPLICATION. Application for the permit shall be filed with the clerk on blanks furnished by the city. It shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses will be allowed except by written permission of the clerk.
2. ISSUANCE. The clerk shall issue the permit, signed by the clerk, and stating the time of issuance, if the proposed work meets all the requirements of this article and if all fees required under this article have been paid. Work under any permit must begin within six (6) months after it is issued. The clerk may at any time revoke the permit for any violation of this article and require that the work be stopped.
3. FEE. Before any permit is issued the person who makes the application shall pay to the clerk the amount of one-hundred dollars (\$100.00) to cover the cost of issuing the permit and supervising, regulating and inspection of the work.

7.06 FEE FOR INITIAL CONNECTION. The fee for the initial connection of water lines shall be one hundred (\$100.00) dollars.

(Code of Iowa, Sec. 384.84(6a)(1))

7.07 ABANDONED CONNECTIONS. When an old water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off, or removed, at the corporation cock and made absolutely water tight.

7.08 TAPPING MAINS. All taps into water mains shall be made under the direct supervision of the superintendent and in accord with the following:

1. INDEPENDENT SERVICES. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the council and unless provision is made so that each house, building or premise may be shut off independently of the other.
2. SIZES AND LOCATION OF TAPS. All mains six (6) inches or less in diameter shall receive no larger than three-fourths (3/4) inch tap. All mains over six (6) inches in diameter shall receive no larger than a one (1) inch tap. Where a larger connection than a one (1) inch tap is desired, two (2) or more small taps or saddles shall be used as the superintendent orders. All taps in the mains shall be made at or

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near the top of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint of the main.

3. CORPORATION COCK. A brass corporation cock of the pattern and weight approved by the council shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one (1) size smaller than the service pipe.
  4. LOCATION RECORD. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the superintendent in such form as required by the superintendent.
- 7.09 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be standard weight type K copper, P.V.C. meeting I.A.P.M.O. specification IS-14-72, or approved cast as to prevent rupture from settlement or freezing.
- 7.10 CURB STOP. There shall be installed a main shutoff valve of the inverted key type on the water service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the council. The shutoff valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.
- 7.11 INTERIOR STOP AND WASTE COCK. There shall be installed a shutoff valve and waste cock on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently and the pipes drained. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with the service to the others.
- 7.12 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers in Sec. 4.13 of this Title.
- 7.13 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the superintendent has the right to finish or correct the work, and the council will assess the costs to the property owner or the plumber. Assessments will be collected as provided for in Section 4.21 of this Title.
- 7.14 SHUTTING OFF THE WATER SUPPLY. After giving reasonable notice, the superintendent may shut off the supply of water to any customer because of any substantial

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violation of this article. The supply shall not be turned on again until all violations have been corrected and the council has ordered the water to be turned on.

7.15 OWNER RESPONSIBLE FOR MAINTENANCE. It shall be the responsibility of the owner of the property connected to any water main to keep in good repair and free of any leaks, the corporation cock and water service pipe, whether in the public right of way or not. If water is lost due to failure of the owner to maintain, said owner shall pay for water lost. The amount of water lost will be determined by water statement.

7.16 FAILURE TO MAINTAIN. When any corporation cock, water service pipe, or curb stop, becomes defective, or leaks and the owner fails to repair the leak or damage and any damage to street surface resulting from the leak, the city may do so and assess the costs to the property owner and if not paid within 30 days of billing, the clerk shall certify the cost to the county treasurer to be collected in the same manner as taxes.

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

7.17 OPERATION OF CURB STOP. It shall be unlawful for any person except the water superintendent to turn water on at the curb stop.

7.18 WATER MAIN EXTENSION POLICY. The City will construct extensions to its water lines to points within the service area but the city shall not be required to make such installations unless the customer pays to the city the entire cost of the installation in accordance with the following:

1. CONTRACT REQUIRED. All line extensions shall be evidenced by a contract signed by the city and the person advancing funds for said extensions.
2. RIGHTS OF CITY. All decisions made in connection with the manner of installations of any extensions and maintenance thereof shall remain in the exclusive control of the city and such extension shall be the property of the city and no other person shall have any right, title or interest therein.

7.19 WATER MAIN CONSTRUCTION STANDARDS. No water tap will be allowed for service to a property except when a public water main runs along the street in front of the property (unless an alley or easement is determined by the city to be the best approach to serving the property) and at least ten (10) feet beyond the side property line, extended, nearest to the supply side of the main.

The tap must be at least four (4) feet beyond that property line, extended, of the abutting property. No public main shall be less than four inches in diameter, but no such four-inch (4") main shall be extended more than two hundred (200) feet and only if no foreseeable and feasible user can be served beyond said 200 feet. The city reserves the right to put in

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the size of main required for an adequate system of mains in the future to provide fire flow and adequate pressure for reasonably foreseeable customer service. The main shall be installed and of the quality required by specifications adopted by the council upon recommendation of the water superintendent.

- 7.20 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved by the superintendent. If approval is refused, the plumber or property owner must immediately proceed to correct the work in order to meet approval.



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### CHAPTER 3: WATER SERVICE

#### ARTICLE 8 - WATER METERS

- 8.01 METERS REQUIRED. All water furnished customers shall be measured through meters furnished and installed by the city.  
(Code of Iowa, Sec. 384.84(1))
- 8.02 FIRE SPRINKLER SYSTEM. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.
- 8.03 LOCATION. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.
- 8.04 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter by the city.
- 8.05 METER REPAIRS AND COSTS. Whenever a water meter owned by the city is found to be out of order, the superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the consumer or property owner, then the property owner shall be liable for the cost of repairs.
- 8.06 RIGHT OF ENTRY. The superintendent is permitted to enter the premises of any consumer at any reasonable time to remove or change a meter.
- 8.07 INSTALLATION FEE. There shall be a fee charged to the property owner for each new installation of a water meter in accordance with a schedule of such fees adopted by resolution of the council.

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### CHAPTER 3: WATER SERVICES

#### ARTICLE 9-WATER RATES

- 9.01 SERVICE CHARGES. Each customer shall pay for water service provided him or her by the city based upon his or her use of water, as determined by meters provided for in Article 8 of this chapter. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not, except as provided in Section 7.17 of this Chapter.

(Code of Iowa, Sec. 384.84(1))

- 9.02 RATES AND SERVICES. Water service shall be furnished at the following monthly rates within the city, effective March 1, 2016:

USAGE	WATER RATE
1,000	\$6.80
2,000	\$11.63
3,000	\$16.52
4,000	\$19.67
5,000	\$22.82
6,000	\$25.97
7,000	\$28.28
8,000	\$30.59
9,000	\$32.90
10,000	\$35.21

For each 1000 gallons over 10,000, add \$2.31 for water

Metered rates will increase 5% annually on March 1.

A flat rate fee of \$10.00 per month will be added in addition to the metered rates for residential customers.

A flat rate fee of \$15.00 per month will be added in addition to the metered rates for commercial customers.

There shall be required a deposit of \$100.00 conditioned on guaranteeing the payment of bills for services.

(Editor's Note: Ordinance #230 was adopted on February 1, 2016 and is effective March 1, 2016.

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- 9.03 RATES OUTSIDE THE CITY. Water service shall be provided any customer located outside the corporate limits of the city which the city has agreed to serve at the rates provided in Section 9.02. No such customer, however, will be served unless the customer has signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the council.

(Code of Iowa, Sec. 364.4(2))

- 9.04 CUSTOMER DEPOSITS. There shall be required from every customer or prospective customer a deposit of fifty dollars (\$50.00) conditioned on guaranteeing the payment of bills for services.

- 9.07 BILLING PERIODS FOR WATER SERVICE. Billing and payment for water service shall be in accordance with the following:

1. BILLS PAYABLE. Bills for water service shall be due and payable at the office of the clerk by the tenth day of each month.
2. LATE PAYMENT PENALTY. Charges not paid by the by the due date shall be deemed delinquent and a late penalty of \$5.00 shall be added to the amount of the water fee.

- 9.08 DISCONTINUING SERVICE, FEES. The superintendent, or his or her authorized assistant, shall shut off the supply of water to any customer who, not having contested the amount billed in good faith, has failed to pay the bill for water on or before the twelfth day after sending notice in writing that the water supply will be shut off. The turn off notice shall contain a statement that the customer has the right to obtain an explanation of the bill from the superintendent, and if not satisfied may appeal the turn off to the council if requested at least three days before the deadline. The time of notice shall be such that the deadline shall not fall on Friday or the day before a holiday. The clerk shall send such notice immediately following the delinquent date. Saturdays, Sundays, or a legal holiday intervening during the twelve day notice period shall not be counted. A turn on fee of \$50.00 shall be charged at the time of turn on where separate turn off and turn on trips are made necessary before payment is rendered and service is to be restored to the delinquent customer. No turn on fee or service fee shall be charged for the usual or customary trips in the regular changes in occupancies of property, whether the meter is removed for the safety of the meter, or not removed.

- 9.09 SHUTTING OFF WATER. The superintendent, or his or her authorized assistant, may shut off the supply of water to the customer without notice when the customer is found to be using water consuming equipment in a manner adversely affecting the utility's system or its ability to serve others, such as cross-connections, back-siphonage, wastage to the extent of drastically reducing water pressure, or any other action so affecting the safety or proper

## **TITLE II**

operation of the system; and the water supply shall not be restored until the customer has corrected the condition. He or she may likewise shut off the water supply to a customer for violation of or noncompliance with the rules by said customer or for failure of the customer to permit the superintendent, or his or her authorized assistant, reasonable access to the customer's premises for the purposes enumerated in sections 8.05 and 8.06, provided the superintendent shall have given written notice allowing ten days from date of mailing or personal notice to comply, Sundays or holidays excepted, and such notice shall state that the customer has the right to appeal to the superintendent for an explanation of the action.

## TITLE II

### CHAPTER 3: WATER SERVICES

#### ARTICLE 10 - CONTROLLED WATER USAGE

10.01 PURPOSE. The purpose of this ordinance is to control water usage during the time when the Inwood City Council declares a water shortage.

10.02 RESTRICTION ON WATER USAGE. When a water shortage is declared, outside watering will be allowed east of Highway 182 on the even numbered days and west of Highway 182 on the odd numbered days. Outside watering will be limited to the hours of 6:00 p.m. to 8:00 a.m.

10.04 FINES.

1. If a resident uses water outside during the restricted period, the following fines will be issued:
  - A. Water to that residence will be shut off.
  - B. Initial fine will be \$50.00.
  - C. Hook up fee will be \$50.00.

(Editors Note: Section 10.04 was amended at time of updating the City's Code Book in 2013)

## TITLE II

### CHAPTER 4: PRIVATE WELLS

#### ARTICLE 11 - GENERAL REGULATIONS

- 11.01 SCOPE. The provisions of the chapter shall apply to all private water wells located or to be constructed within the City of Inwood, Iowa, including but not limited to, new construction and modification of existing wells.
- 11.02 PERMIT REQUIRED: No person shall construct a private well in the City of Inwood, Iowa or own/use a well constructed after the effective date of this provision, unless a permit has been issued for the well by the Inwood City Council. This permit shall be in addition to any permits required by the State or County. This requirement shall not apply to monitoring wells used for soil and groundwater investigation.
- 11.03 REGISTRATION OF PRE-EXISTING WELLS: Any person who owns property in the City of Inwood, Iowa, which has a well, other than a monitoring well, which was constructed prior to the effective date of the ordinance codified by this chapter, shall register said well with the City. Registration forms for this may be obtained from the City Clerk's office. There will be no fee charged for the registration of a pre-existing well.
- 11.04 PERMIT PROCESS:
1. Any person desiring a well permit shall make application to the City of Inwood on the form prescribed by him/her. The City Coordinator shall determine the necessary information, date, and testing required for the issuance of the permit.
  2. In determining whether to issue a permit or not, the City Coordinator shall consider the availability of public water to serve the real property, building or facility, the estimated amount of water to be consumed, possible contamination of the water, and the purpose for which the water will be used. The applicant shall be required to have an environmental assessment completed to determine if there are known sources of contamination within 500 feet of the proposed site.
  3. If the property, building, or facility to be served is located within 200 feet of public water, the City Coordinator shall automatically deny the permit, and the applicant shall be required to use the public water system.
  4. If the City Coordinator determines that the water is in an area of contamination or is otherwise unfit, he/she may deny the permit or make such limitations as to the use of the water from said private well as are necessary to protect life and property. In determining what the actual area of contamination is, the City Coordinator shall consider current levels and areas of contamination, as well as where the contamination might reasonably be expected to expand to the foreseeable future.

## TITLE II

5. The application shall not be deemed complete until all information, data, and testing results required by the City Coordinator have been submitted to him/her for consideration and required fee paid in full.
6. The City Coordinator shall rule upon the permit application within 30 working days of the submitting of the completed application. The City Coordinator may, upon good cause, extend said period for approval of the application an additional 30 working days by issuing a written notice to the applicant. Any application which is not acted upon in a timely manner by the City Coordinator shall be deemed to have been denied upon the expiration of time provided by this section.
7. The applicant may appeal the decision of the City Coordinator to the Inwood City Council by filing a written notice of appeal with the City Clerk within ten (10) business days of the decision. The Inwood City Council shall meet to determine the appeal within 45 days of the date the appeal is filed.
8. The applicant shall pay a application fee in the amount set by resolution of Council.
9. All required testing and collection of information and data shall be at the applicant's expense.

11.05 PENALTY: Any person found guilty of a violation of any of the provisions of the chapter shall, upon conviction, be subject to the penalty provisions of Title 1, Chapter 1, Article 1 of the Inwood 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 according to the terms of Title III, Chapter 7, Article 17 of the Inwood City Code in lieu of criminal prosecution.

(Editors Note: Chapter 4, Article 11 – Private Wells was added at time of updating the City's Code Book in 2013)

## TITLE II



## **TITLE III**

### **TITLE III PUBLIC ORDER PROTECTION AND LAW ENFORCEMENT**

## TITLE III

### CHAPTER 1: MISDEMEANORS

#### ARTICLE 1 - PUBLIC PEACE

1.01 PURPOSE. The purpose of this article is to preserve the public order by defining and prohibiting offenses against the public peace and providing for their abatement.

1.02 ASSAULT. It shall be unlawful for a person to apply, threaten, or attempt to apply an unlawful and unpermitted physical force to another person in a rude and insolent manner, or with the intent to do physical harm, with the apparent ability to execute any attempt or threat.

(Code of Iowa, Sec. 708.1 and 708.4)

1.03 AFFRAY. It shall be unlawful for two (2) or more persons voluntarily or by agreement to engage in any fight, or use any blows or violence towards each other in an angry or quarrelsome manner, in any public place, to the disturbance of others.

1.04 UNLAWFUL ASSEMBLY. An unlawful assembly is three or more persons assembled together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. A person who willingly joins in or remains a part of an unlawful assembly, knowing or having reasonable grounds to believe that it is such, commits a simple misdemeanor.

(Code of Iowa, Sec. 723.2)

1.05 DISORDERLY CONDUCT. A person commits a simple misdemeanor when the person does any of the following:

1. Engages 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.
2. Makes loud and raucous noise in the vicinity of any residence or hospital which causes unreasonable distress to the occupants thereof.
3. Directs abusive epithets or makes any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.
4. Without lawful authority or color of authority, the person disturbs any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

### TITLE III

5. By words or action, initiates or circulates a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.
6. Knowingly and publicly uses 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.
7. Without authority or justification, the person obstructs 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(1-7))

- 1.06 UNLAWFUL ASSEMBLY AND RIOT. It shall be unlawful for three (3) or more persons in a violent or tumultuous manner to assemble together to do or attempt an unlawful act, or when together to commit or attempt an act, whether lawful or unlawful, in a manner which is violent or tumultuous and to the disturbance of others.

(Code of Iowa, Sec. 723.1, 2, & 4)

- 1.07 TEMPORARY CIVIL DISORDER. The following shall apply:

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

1. **DECLARATION.** The mayor may declare a state of civil disorder within the city or its parts if the mayor has reason to believe a riot or other general public disorder may occur as a result of an act of violence or resistance to the lawful exercise of authority, constituting a threat to public peace or general welfare.
2. **TEMPORARY RESTRICTIONS.** The mayor may promulgate all or part of the following restrictions, which shall become effective after reasonable notice of their contents is given and the affected area of the city is specified.
  - a. Order the immediate closing of all taverns and the cessation of the sale or other distribution of intoxicating liquor and beer.
  - b. Order the cessation of public display, sale or any other distribution of firearms and ammunition.
  - c. Order the cessation of the sale or other distribution of explosives or flammables.
  - d. Order the closing of all or some public parks, public streets or other public places during specified hours.

### TITLE III

- e. Order the cessation of gatherings by three (3) or more persons in public buildings, streets, parks or other open areas either public or private.
    - f. Order the cessation of any other activities reasonably believed hazardous to the maintenance of public safety.
  3. **TERMINATION.** Any restriction issued according to this section will automatically terminate forty-eight (48) hours after the mayor's declaration of civil disorder, or upon the mayor's declaration that the state of civil disorder no longer exists, whichever occurs first. Any or all restrictions declared by the mayor may be extended by successive resolutions of the council for additional time periods. The period of any one extension shall not exceed five (5) days.
- 1.08 **PARADES.** No person shall conduct or cause any parade on any street except as provided in this section.
1. **DEFINITION.** "Parade" shall mean any march or procession of persons or vehicles organized for marching or moving on the streets in an organized manner, or any march or procession of persons or vehicles represented or advertised generally to the public as a parade.
  2. **PERMIT.** No parade shall be conducted without a permit authorized by the Mayor. Such permit shall state the time, date and general route of the parade, and no permit fee shall be required. The written permit granted to the sponsors or organizers of the parade shall be permission for participants invited by the permittee to parade. Any denial of a permit may be appealed to the Council. No fee shall be required for such permit.
  3. **PARADE NOT A STREET OBSTRUCTION.** Any parade authorized by a permit and in which the persons are lawfully participating shall not be deemed a street obstruction, notwithstanding the provisions of any other ordinance to the contrary.
  4. **CONTROL BY POLICE AND FIREMEN.** Parade participants shall be subject at all times to the lawful orders and directions of peace officers and fire department members in the performance of their duties.
- 1.09 **NOISE GENERALLY.** It is a violation to disturb the peace with excessive, loud or unusual noise by blowing horns or ringing bells, or by the use of sirens, radios or any type of speaking device or noisemaker.
- 1.10 **TIRE NOISE.** It is unlawful to operate a motor vehicle in such a manner so as to disturb the peace and quiet of any person by causing excessive, loud or unusual noise to come from the tires of said vehicle.

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- 1.11 LOUD, UNNECESSARY OR UNUSUAL NOISE: Notwithstanding any other provision of this Chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person or normal sensitivities residing in the area.
- 1.12 HARASSMENT. A person commits harassment when, with intent to intimidate, annoy, or alarm another person, the person does any of the following:
- 1 Communicates with another by telephone, telegraph, 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 Places a simulated explosive or simulated incendiary device in or near a building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person.  
(Code of Iowa, Sec. 708.7(2))
  - 3 Orders merchandise or services in the name of another, or to be delivered to another, without the other person's knowledge or consent.  
(Code of Iowa, Sec. 708.7(3))
  4. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the act did not occur.  
(Code of Iowa, Sec. 708.7(4))

### TITLE III

#### CHAPTER 1 MISDEMEANORS

##### ARTICLE 2 - PUBLIC MORALS

- 2.01 PURPOSE. The purpose of this article is to preserve the public order by defining and prohibiting offenses against public morals and providing for their abatement.
- 2.02 Reserved for Future Use
- 2.03 BLASPHEMOUS OR OBSCENE LANGUAGE. It shall be unlawful for a person to use blasphemous or obscene language publicly, to the disturbance of the public peace and quiet.
- 2.04 INTOXICANTS AND INTOXICATION. The following shall be unlawful:
1. ILLEGAL KEEPING OF INTOXICANTS. To operate, conduct, or allow to be operated a place where intoxicating liquor is illegally kept, sold or given away.
  2. CONSUMPTION IN PUBLIC PLACES. To use or consume any alcoholic liquors and beers upon the public streets or highways, or in any public place, except premises covered by a liquor and beer control license, or to be intoxicated or simulate intoxication in a public place.  
(Code of Iowa, Sec. 123.46)
- 2.05 GAMBLING. The following acts are prohibited:
1. KEEPING GAMBLING HOUSES. To keep a house, shop or place resorted to for the purpose of gambling, or knowingly to permit or suffer any person in any house, shop or other place under the permitter's control or care, to play at cards, dice, faro, roulette, equality, punchboard, slot machine or other game for money or other things of value.  
(Code of Iowa, Sec. 725.5)
  2. "KEEPER" DEFINED. Any person who has charge of or attends to any such house, shop or place is the keeper thereof.  
(Code of Iowa, Sec. 725.6)
  3. GAMING AND BETTING. To participate in any game for any sum of money or other property of any value, or to make any bet or wages for money or other property of value, or to engage in bookmaking.  
(Code of Iowa, Sec. 725.7)

### TITLE III

4. POOL SELLING. To record or register bets, wages, or sell pools upon the result of any trial or contest of skill, speed, or power of endurance of man or beast or upon the result of any political nomination or election; and to keep a place for the purpose of any such thing, or to own, lease, or occupy any premises where the same is permitted, or any part is used for any such purpose, or to receive as custodian or depository, for hire or reward, money, property, or things of value staked, wagered, or bet on any such result.

(Code of Iowa, Sec. 725.10)

5. POSSESSION OF GAMBLING DEVICES. In any manner or for any purpose whatever except under proceeding to destroy the same to have, keep or hold in possession or control any roulette wheel, klondike table, poker table, punchboard, faro, or keno layouts, or any other machines used for gambling, or any slot machine or device with an element of chance attending such operation.

(Code of Iowa, Sec. 725.9)

6. STATE GAMBLING PERMIT. Nothing in this section shall be deemed to effect those activities allowed by those persons or establishments holding a State of Iowa license for gaming.

2.06 INDECENT EXPOSURE. No person shall expose those parts of his or her body listed herein to another in any public place, or in any place where such exposure is seen by another person or persons in any public place.

1. PROHIBITION. Exposure of the following in a public place is prohibited:
  - a. A woman's nipple, or aureole, or full breast, except as necessary in the feeding of any infant under the age of thirty-six (36) months.
  - b. The pubic hair, pubes, perineum, or anus of a male or female, the penis or scrotum of a male, or the vagina of a female, excepting those body parts of an infant of either sex.

## TITLE III

### CHAPTER 1: MISDEMEANORS

#### ARTICLE 3 - MINORS

3.01 DEFINITIONS. The following terms shall have the meanings defined below:

1. "MINOR" shall mean a person less than eighteen (18) years of age.
2. "LEGAL AGE" shall be as set forth in section 123.3(33) and 123.47A of the Code of Iowa.

3.02 MINORS IN TAVERNS. It shall be unlawful for any person under legal age to enter, remain in, or frequent a business establishment holding a retail liquor or beer permit unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods.

3.03 SUPPLYING LIQUOR TO MINORS. It shall be unlawful for any person to sell, give or otherwise supply liquor or beer to any person under legal age, or knowingly to permit any person under that age to consume alcoholic liquors or beers, except in the case of alcoholic liquor or beer given or dispensed to a person, age nineteen or twenty, within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to him or her by a physician or dentist for medicinal purposes.  
(Code of Iowa, Sec. 123.47A)

3.04 CURFEW. A curfew is established to regulate the hours minors can be or remain upon the alleys, streets, other public places, and in places of business and amusement in this city. The following shall pertain to the curfew:

1. TIME LIMITS. It is unlawful for any minor to be or remain in or upon any of the alleys, streets or public places or places of business and amusement in the city between the hours of 11:00 p.m. and 5:00 a.m.
2. EXCEPTIONS. The restriction provided by subsection 3.04(1) shall not apply to any minor who is accompanied by a guardian, parent or other person charged with the care and custody of such minor, or other responsible person over 18 years of age, nor shall the restriction apply to any minor who is traveling between his or her home or place or residence and the place where any approved place of employment, church, municipal or school function is being held.



### TITLE III

3. RESPONSIBILITY OF ADULTS. It is unlawful for any parent, guardian or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon any of the streets, alleys, places of business, or amusement or other public places within the curfew hours set by subsection 1, except as otherwise provided in Subsection 2.

(Code of Iowa, Sec. 613.16)

4. RESPONSIBILITY OF BUSINESS ESTABLISHMENTS. It is unlawful for any person, firm or corporation operating a place of business or amusement to allow or permit any minor to be in or upon the place of business or amusement operated by them within the curfew hours set by subsection 1, except as otherwise provided in subsection 2.

5. ENFORCEMENT. Any peace officer of this city while on duty is empowered to arrest any minor who violates any of the provisions of this section. Upon arrest, the minor shall be returned to the custody of the parent, guardian or other person charged with the care and custody of the minor. If a minor violates the provisions of this section more than two times within a twelve month period, the peace officer shall charge the minor with a simple misdemeanor and prosecute the charge before a magistrate having jurisdiction.

#### 3.05 CIGARETTES, TOBACCO, ALTERNITVE NICOTINE OR VAPOR PRODUCTS.

1. A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under eighteen years of age.
2. It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase or attempt to purchase any tobacco, tobacco products or cigarettes alternative nicotine products, vapor products, or cigarettes.

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

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

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

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### CHAPTER 1: MISDEMEANORS

#### ARTICLE 4 - PUBLIC HEALTH AND SAFETY

- 4.01 PURPOSE. The purpose of this article is to preserve the public order by defining and prohibiting offenses against public health and safety and providing for their abatement.
- 4.02 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.
- 4.03 FIREWORKS. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks without a permit from the city.

1. DEFINITION. The term "fireworks" shall mean and include any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, 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. 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 the council 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 per person |
| b. Property damage: | \$ 50,000             |
| c. Total exposure:  | \$ 1,000,000          |
3. OTHER PURPOSES EXEMPT. Nothing in section 4.04 shall 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 theatre, or for signal purposes in athletic sports or by railroads, trucks, for signal purposes, or by a recognized military organization; and provided further that

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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)

- 4.04 FALSE ALARMS. It shall be unlawful for a person to give or cause to be given a false alarm of fire by setting fire to any combustible material, or by crying or sounding an alarm, or by any other means, without cause.

(Code of Iowa, Sec. 723.4(5) and 718.6)

- 4.05 THROWING AND SHOOTING. It shall be unlawful for a person to throw stones, bricks or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles, or other dangerous instruments or toys on or across any street, highway, alley, sidewalk or public place.

- 4.06 STENCH BOMBS. It shall be unlawful to throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, upon or about any theatre, restaurant, car, structure, place of business or amusement, or any place of public assemblage, or to attempt to do any of these acts, or to prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, prison officials or peace officers in the discharge of their duties, or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this state nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup, nor to any bank or other messenger carrying funds or other valuables.

(Code of Iowa, Sec. 724.1)

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

- 4.08 SALE OF 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.

- 4.09 ABANDONED REFRIGERATORS. It shall be unlawful to place, or to allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an airtight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned building or dwelling, or structure, under his or her or their control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to

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the owner of any such refrigerator, ice box or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

- 4.10 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))
- 4.11 BARBED WIRE AND ELECTRIC FENCE. It shall be unlawful for a person to use barbed wire or electric fence to enclose land within the city limits without the consent of the council unless such land consists of ten acres or more and is used as agricultural land.
- 4.12 URINATION AND DEFECATION. It shall be unlawful for any person to urinate or defecate in or upon any street, sidewalk, alley, public place or in any place open to public view, provided that this section shall not apply to restrooms or public facilities designated for such purpose.
- 4.13 DISTRIBUTING DANGEROUS SUBSTANCES. Any person who distributes samples of any drugs or medicine, or any corrosive, caustic, poisonous or other injurious substance, commits a simple misdemeanor 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)

## TITLE III

### CHAPTER 1: MISDEMEANORS

#### ARTICLE 5 - PUBLIC PROPERTY

- 5.01 PURPOSE. The purpose of this article is to define and prohibit offenses against public property and provide for their abatement.
- 5.02 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))
- 5.03 PUBLIC BUILDINGS. It shall be unlawful to willfully write, make marks, or draw characters on the walls or any other part of any church, college, academy, schoolhouse, courthouse, or other public building, or on any furniture, apparatus, or fixture therein; or to willfully injure or deface the same, or any wall or fence enclosing the same.
- 5.04 DAMAGE TO PUBLIC OR UTILITY PROPERTY. It shall be unlawful for a person to maliciously injure, remove, or destroy any railway or apparatus belonging thereto; or any bridge or railroad; or place, or cause to be placed, any obstruction on any railway, or on any bridge or railroad; 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 transmission or distribution, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break, or injure the wires of any apparatus belonging thereto; or to willfully tap, cut, injure, break, disconnect, connect, make connection with or destroy any of the wires, mains, pipes, conduits, meters, or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant, or water plant; or to aid or abet any other person in so doing.  
(Code of Iowa, Sec. 716.1)
- 5.05 DEFACING PROCLAMATIONS OR NOTICES. It shall be unlawful for a person to intentionally deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or this state, or any proclamation, advertisement or notification, set up at any place within the city by authority of the law or by order of any court, during the time for which the same is to remain set up.  
(Code of Iowa, Sec. 716.1)
- 5.06 INJURY TO FIRE APPARATUS. It shall be unlawful for a person to willfully destroy or injure any engine, hose, hook and ladder truck, or other thing used and kept for extinguishment of fires.

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(Code of Iowa, Sec. 716.1)

- 5.07 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. 716.1)

- 5.06 DAMAGING 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. 716.1)

- 5.08 OBSTRUCTING DRAINAGE. Any person who shall dam up, obstruct, or in any way injure any ditch or drain so constructed, shall be liable to pay to the person owning or possessing the swamp, marsh, or other lowlands, for the draining of which such ditch or ditches have been opened, double the damages that shall be sustained by the owner, and, in case of a second or subsequent offense by the same person, treble such damages.

(Code of Iowa, Sec. 465.19)

- 5.09 CRIMINAL MISCHIEF. Any damage, defacing, alteration, or destruction of property is criminal mischief when done intentionally by one who has no right to so act.

- 5.10 SIDEWALKS AND RIGHT-OF-WAY. It shall be unlawful for a person to damage public right-of-way or sidewalks, dig into or in any manner break any sidewalk, curb, pavement, street, alley or public ground without replacing the same in as good condition as found.

- 5.11 INJURY TO CEMETERY PROPERTY. It shall be unlawful for a person to willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery or other fences, railing or other work for the protection or ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or to willfully and maliciously throw or leave any rubbish, refuse, garbage, waste, or to drive at an unusual 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.

## TITLE III

### CHAPTER 1: MISDEMEANORS

#### ARTICLE 6 - PRIVATE PROPERTY

6.01 TRESPASSING. 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 private property without legal justification or without the implied or actual 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, without the implied or actual permission of the owner, lessee, or person in lawful possession.

(Code of Iowa, Sec. 716.7)

2. VACATE PROPERTY WHEN REQUESTED. Enter or remain upon or in private property without legal 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)

3. INTERFERE WITH LAWFUL USE OF PROPERTY. Enter upon or in private property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

(Code of Iowa, Sec. 716.7)

4. USE OF PROPERTY WITHOUT PERMISSION. Be upon or in private property and use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

(Code of Iowa, Sec. 716.7)

6.02 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)

6.03 TELEPHONE OR TELEGRAPH WIRE TAPS. It shall be unlawful for a person to wrongfully or unlawfully tap or connect a wire with the telephone or telegraph wires of any person engaged in the transmission of messages on telephone or telegraph lines.

(Code of Iowa, Sec. 727.8)

6.04 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.

## TITLE III

### CHAPTER 1: MISDEMEANORS

#### ARTICLE 7 - EXECUTION OF PROCESS

- 7.01 RESISTING EXECUTION OF PROCESS. 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. A person who, unreasonably and without lawful cause, refuses or neglects to render assistance when so requested commits a simple misdemeanor.  
(Code of Iowa, Sec. 719.1)
- 7.02 RESISTING ARREST. It shall be unlawful for a person after being informed of the intention to arrest him or her, to attempt to escape or forcibly resist when arrest is being made by an officer under the authority of a warrant.  
(Code of Iowa, Sec. 804.12)
- 7.03 REFUSING TO ASSIST AN OFFICER. If any person, being lawfully required by any sheriff, policeman or other peace officer, willfully neglects or refuses to assist him or her in the execution of the duties of his office in any criminal case, or in any case of escape or rescue, the person he shall be considered to have violated the municipal code.  
(Code of Iowa, Sec. 719.2)
- 7.04 INTERFERENCE WITH CITY OFFICERS. It shall be unlawful for a person to interfere with or hinder any policeman, fireman, officer, or city official in the discharge of his duty.
- 7.05 IMPERSONATING AN OFFICER. It shall be unlawful for a person to falsely assume to be a judge, magistrate, sheriff, deputy sheriff, peace officer, special agent of the Iowa Department of Public Safety or conservation officer, and take upon him or herself to act as such or require anyone to aid or assist him or her in any manner.



## TITLE III

### CHAPTER 2: NUISANCES

#### ARTICLE 8 - GENERAL PROVISIONS

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

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 is a nuisance. The following are declared to be nuisances, but do not limit, the conditions which are deemed nuisances:

(Code of Iowa, Sec. 657.1 & Sec. 657.2)

- a. Offensive smells. The erecting, continuing or using of any building or other place for 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. 657.2(1))

- b. 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))

- c. Water pollution. The corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

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

- d. Blocking public and private ways. The obstructing or encumbering by fences, buildings or otherwise the public roads, private ways, streets, alleys, commons, landings, places or burying grounds.

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

- e. House of ill fame. Houses of ill fame, kept for the purpose prostitution and lewdness, gambling houses, or houses resorted to for 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. 657.2(6))

### TITLE III

- f. Billboards. Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof.

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

- g. Storing of flammable junk. The depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper by dealers in such articles within the fire limits of the city, unless it be in a building of fireproof construction.

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

- h. Air pollution. The emission of dense smoke, noxious fumes or fly ash.

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

- i. Obstruction of drainage. Any article or substance placed upon any street, alley, sidewalk, public ground or in any ditch, waterway or gutter so as to obstruct the same.

- j. Dutch elm disease. Trees infected with dutch elm disease.

(Code of Iowa, Sec. 657.2(12))

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

- l. Trash or Wood piles. Accumulation of rubbish, wood, or trash tending to harbor vermin or

- m. Septic effluent. Effluent from a septic tank or drainage field running or ponding on the ground in the open, including in ditches.

- n. Ponding water. An accumulation of water until it becomes stagnant.

- o. Weeds. Dense growth of all weeds, grasses, vines, brush or other vegetation in the city so as to constitute a health, safety or fire hazard.

- p. Farm Animals & fowl. The keeping within the City limits of farm animals and fowl, including, but not limited to, ducks, geese, chickens, pigeons, turkeys, poultry, cattle, goats, swine, porcine, pot-bellied pigs sheep, buffalo, horses and ponies. This subsection may have exceptions as

### TITLE III

permitted by the City's Zoning Ordinance pertaining to Agricultural zoned areas.

- q. Storing or permitting the storage of material, such as, but not limited to, sand, gravel, rock, earth, coal and grain in piles with side slopes in excess of the angle of repose of said material, the angle of repose being the angle that the surface of free standing material makes with the horizontal plane without slipping, sliding or collapse of the material.

This subsection shall not apply to accumulations or piles of snow, nor to materials stored in a building, enclosure or completely fenced area to which members of the public are not permitted access.

- r. The maintenance of a construction site in such a manner that litter will not be prevented from being carried by the elements to adjoining premises.
- s. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, appliances, cans, or containers.
- t. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees.

- 2. "PROPERTY OWNER" shall mean the contract purchaser if there is one of record, otherwise the record holder of legal title.  
(Code of Iowa, Sec. 364.12(1))

8.02 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 this chapter.  
(Code of Iowa, Sec. 657.3)

8.03 OTHER CONDITIONS REGULATED. The following actions are required and may also be abated in the manner provided in this chapter:

- 1. **REMOVAL OF DISEASED TREES.** The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.  
(Code of Iowa, Sec. 364.12(3b))
- 2. **REMOVAL OF STRUCTURES.** The removal, repair or dismantling of a dangerous building or structure.  
(Code of Iowa, Sec. 364.12(3c))
- 3. **NUMBERING OF BUILDINGS.** The numbering of buildings.  
(Code of Iowa, Sec. 364.12(3d))

### **TITLE III**

4. **DRAINAGE CONNECTIONS.** The connection to public drainage systems from abutting property when necessary for public health or safety and protection of property.  
(Code of Iowa, Sec. 364.12(3e))
5. **SANITARY FACILITIES.** The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.  
(Code of Iowa, Sec. 364.12(3f))
6. **DESTRUCTION OF WEEDS.** The cutting or destruction of weeds or other growth which constitutes a health, safety or fire hazard.  
(Code of Iowa, Sec. 364.12(3g))

## TITLE III

### CHAPTER 2: NUISANCES

#### ARTICLE 9 - ABATEMENT PROCEDURE

- 9.01 NUISANCE ABATEMENT. Whenever the Mayor or other authorized municipal officer finds that a nuisance exists or a condition needs to be corrected, he/she shall cause to be served upon the property owner as shown by the records of the County Auditor a written notice by certified mail, or personal service, or by ordinance a notice to abate the nuisance within a reasonable time after notice. The Mayor or other authorized officer has the authority to determine on a case-by-case basis whether to utilize the nuisance abatement procedure described in Section 9.02 of this Article or the municipal infraction procedure referred to in Article 17 of this Title.

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

- 9.02 NOTICE TO ABATE. The notice to abate shall contain:

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

1. DESCRIPTION OF NUISANCE. A description of what constitutes the nuisance or other condition.
2. LOCATION. The location of the nuisance or condition.
3. ACTS NECESSARY TO ABATE. A statement of act or acts necessary to abate the nuisance or condition.
4. REASONABLE TIME. A reasonable time within which to complete the abatement.
5. ASSESSMENT AT 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.

- 9.03 METHOD OF SERVICE. The notice may be in the form of an ordinance, or a notice sent by certified mail to the property owner, or personal service to the property owner as shown by the records of the County Auditor.

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

- 9.04 REQUEST FOR HEARING. Any person ordered to abate a nuisance may have a hearing with the council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the council at a time and place fixed by the council. The findings of the

### TITLE III

council shall be conclusive, and if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

- 9.05 ABATEMENT IN EMERGENCY. If it is determined that an emergency or danger 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 council shall assess the costs after notice to the property owner and hearing on the costs incurred by the city to abate the nuisance or condition.

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

- 9.06 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 expense account shall be filed with the clerk who shall pay such expenses on behalf of the city.

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

- 9.07 COSTS OF ABATEMENT. The following shall apply to abatement procedure:

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

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

2. INSTALLMENT PAYMENT. If the amount expended to abate the nuisance or condition exceeds \$500, the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the manner and with the same interest as benefited property under the Code of Iowa.

(Code of Iowa, Sec. 364.13, 380.60 & 380.65)

3. The City may collect all associated abatement expenses in a Court of Small Claims.
4. The City may institute civil proceedings to obtain injunctive and declaratory relief or such orders of the court as are reasonable and proper to abate practices, conditions or circumstances found to be contrary to or prohibited by the provisions of this Chapter.

- 9.08 FAILURE TO ABATE. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances, and subject to the standard penalty contained in Title 1, Chapter 1, Article 1 of this Code of Ordinances and may also be punished under the City's Municipal Infraction Ordinance, as codified in this Code of Ordinances. A separate offense shall be deemed committed on each day during or on which violation occurs or continues.

### TITLE III

- 9.09 CONDEMNATION OF NUISANCE. The City may condemn a residential building found to be a public nuisance and take title to the property for the public purpose of disposing of the property under Code of Iowa Section 364.7 by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.  
(Code of Iowa, Sec. 364.12A)

- 9.10 MUNICIPAL INFRACTION ABATEMENT PROCEDURE. In lieu of the abatement procedures set forth in this Article, the requirements of this Chapter may be enforced under the procedures applicable to municipal infractions as set forth in Title III, Article 17 of this Code of Ordinances.

- 9.11 MOWING AND REMOVAL. In addition to the foregoing provisions, the City has the right, without notice, to mow grass and weeds as well as remove brush from private property when such grass and weed or brush exceed the height of:

1. Developed Residential Areas – not to exceed six inches (6").
2. Undeveloped Residential Areas – not to exceed eight inches (8").
3. Business and Industrial Areas – not to exceed six inches (6").
4. Agriculture Areas – not to exceed eighteen inches (18").

The cost thereof shall be the responsibility of the record title owner of the property served, and said cost may wither be certified over to the County Auditor for collection in the same manner as real estate taxes or may be collected via filing of a small claim, municipal infraction, or complaint with the County Magistrate Court. When said services are performed by the City, the minimum charges shall be as set forth in Appendix A of this Code of Ordinances

### TITLE III

#### CHAPTER 3: ANIMAL CONTROL AND PROTECTION

##### ARTICLE 10 - GENERAL PROVISIONS

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

1. "ANIMAL" shall mean all living creatures not human.
2. "AT LARGE" shall mean any animal found off the premises of his or her 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.

(Code of Iowa, Sec. 351.2)

10.02 CRUELTY TO ANIMALS. It shall be unlawful for a person to torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, cruelly beat, cruelly kill any animal, or unnecessarily fail to provide the same with proper food, drink, shelter, or protection from the weather, or drive or work the same when unfit for labor, or cruelly abandon the same, or carry the same, or cause the same to be cruelly carried on any vehicle or otherwise, or to commit any other act or omission by which unjustifiable pain, distress, suffering, or death is caused or permitted to any animal, whether the acts or omissions herein contemplated be committed either intentionally or negligently.

(Code of Iowa, Sec. 717.2 & 717.3)

10.03 ANIMAL CONTESTS. It shall be unlawful for a person to keep or use, or in any way be connected with, or be interested in the management of, or receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, or other creature, or to engage in, aid, abet, encourage, or assist in any bull, bear, dog, or cock fight, or a fight between any other creatures.

(Code of Iowa, Sec. 717.3)

10.04 ANIMALS RUNNING AT LARGE. It shall be unlawful for any owner to allow dogs, cats, cattle, horses, swine, sheep or other similar animals or fowl to run at large within the corporate limits of the city. Any person found guilty of violating the provisions of Section 10.04 of this article shall be subject to the following fine schedule:

First Offense: \$50.00  
Second Offense: \$75.00  
Third Offense: \$100.00



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- 10.05 BOTHERSOME ANIMALS. It shall be unlawful for a person to keep within the city such bothersome animals as barking dogs, bees, cattle, horses, swine and sheep, or other animals which tend to disrupt the peace and good order of the community.
- 10.06 VICIOUS DOGS. It shall be unlawful for any person to harbor or keep a vicious dog within the city. A dog is deemed to be vicious when it shall have attacked or bitten any person without provocation, or when propensity to attack or bite persons shall exist and is known or ought reasonably to be known to the owner.
- 10.07 COMPLAINT ISSUED. The owner of any licensed dog, or the owner if known of any unlicensed dog or other animal, shall be issued a complaint to appear before a proper court to answer charges of permitting such dog or animal to be at large in violation of this article.  
(Code of Iowa, Sec. 351.26)
- 10.08 RESIDENTIAL LIMITATIONS. There shall not be kept or maintained at any residence in the City of Inwood more than two (2) dogs, excluding pups born to a dog otherwise legally kept, to an age of twelve (12) weeks.
- 10.09 DISPOSAL OF OTHER ANIMALS. If the owner of any animal apprehended, other than a dog, cannot be located after a reasonable effort by local authorities such animal may be humanely destroyed or otherwise disposed of in accordance with the law.
- 10.10 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. It shall be a violation of this ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined. Dogs kept in kennels and not allowed to run at large shall not be subject to these vaccination requirements.  
(Code of Iowa, Sec. 351.33)
- 10.11 ACTIONS OF DOGS CONSTITUTING A NUISANCE. It shall be unlawful for an owner of a dog to allow or permit such dog to perform the following:
1. OTHER PREMISES. It shall be unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another if it thereby causes damage to, or interference with, the premises.
  2. CAUSE ANNOYANCE. To cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking or otherwise; or by running after or chasing persons, bicycles, automobiles or other vehicles.
  3. CAUSE DAMAGE. To cause any damage or defilement to the public or private property.
  4. MOLEST PERSONS. To molest or harm any person on public or private property.

### TITLE III

5. MOLEST ANIMALS. To molest or kill wildlife, birds or domestic animals on public or private property.
6. ACCUMULATION OF ANIMAL WASTE. The keeping of pet animals on private property in such number or in such manner that allows for the accumulation of solid waste of such animal which becomes a detriment to the health of the animal or adjacent property owners.
- 10.12 IMPOUNDING. Any licensed, unlicensed, or unvaccinated dog found at large shall be seized and impounded, or the owner may be served a summons to appear before a proper court to answer charges made thereunder. Any person found violating the provisions of this section shall be liable for any fines, cost of securing and impounding any such animal including cost of feed and keep, the actual cost of transporting and boarding, the costs of keeping the animal's vaccinations current, and any other penalties prescribed in this code. Upon payment of the beforementioned, the owner may claim any impounded animal.
- 10.13 DOGS NOT CLAIMED. Any impounded dogs, whether licensed or unlicensed, not claimed within seven (7) days after notice shall be disposed of in a humane manner in accordance with the law.  
(Code of Iowa, Sec. 351.37)
- 10.14 DOGS HABITUALLY AT LARGE. It shall be unlawful for any person to keep within the City any dog for which the owner has been fined and convicted three times within a twelve (12) month period under Title III, Chapter 3, Article 10.
- 10.15 REMOVAL OF WASTE. Any person who shall permit a pet animal to be on public or private property shall provide for the disposal of the solid waste material excreted by the animal by immediate removal of the waste.

The provisions of this Section shall not apply to dogs used to guide the visually impaired while such dogs are acting in such capacity.

## TITLE III

### CHAPTER 3: ANIMAL CONTROL AND PROTECTION

#### ARTICLE 11 - REGULATION OF CATS

11.01 DEFINITIONS: For use in this article the following terms are defined:,

- a. "AT LARGE": Refers to any cat running otherwise than upon the premises of its owner when the cat is not attached to a leash held by a competent person or tied in place, restrained within a motor vehicle, or in any animal hospital or kennel.
- b. "CATS": Includes both male and female domestic cats whether altered or not.
- c. "OWNER": Any person, firm or corporation owning, harboring, sheltering, or keeping a cat.

11.02 LIMITED NUMBER OF CATS ALLOWED. It shall be unlawful, except for a licensed kennel or pet shop, veterinary hospital, or animal grooming shop, for an owner to harbor or house on his or her premises more than four (4) cats over the age of six (6) months.

11.03 ACTIONS OF CATS CONSTITUTING A NUISANCE. It shall be unlawful for an owner of a cat to allow or permit such cat to perform the following:

1. Pass upon the premises of another thereby causing damage to, or interference with the premises, or to harass or annoy residents or owners of the property.
2. Run at large.

11.04 IMPOUNDING. Any cat found at large shall be seized and impounded.

1. Any cat found at large in violation of the provisions of this Chapter, shall be seized and impounded, and the owner, if known, shall be fined twenty (\$20.00) for the first offense and the fine will increase in increments of ten dollars (\$10.00) for each offense thereafter for the same cat, or, at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made.
2. The owners of such cats shall be notified that upon payment of any fines and/or impounding costs such cats will be returned.
3. Impounded cats may be recovered by the owner, upon proper presentation of valid immunization for distemper and rabies, payment of any fines, and impounding costs.
4. Any person found violating the provisions of this section shall be liable for any fines, cost of securing and impounding any such animal including cost of feed and keep, the actual cost of transporting and boarding, the costs of keeping the animal's vaccinations current, and any other penalties prescribed in this code. Upon payment of the beforementioned, the owner may claim any impounded animal.

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- 11.05 CATS NOT CLAIMED. Any impounded cats, whether licensed or unlicensed, not claimed within seven (7) days after notice shall be disposed of in a humane manner in accordance with the law.

## TITLE III

### CHAPTER 3: ANIMAL CONTROL AND PROTECTION:

#### ARTICLE 12 - KEEPING OF DANGEROUS AND VICIOUS ANIMALS PROHIBITED

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

1. "ANIMAL" shall mean all living creatures not human.
2. "AT LARGE" shall mean any animal found off the premises of his or her owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
3. "DOG" shall mean both male and female animals of the canine species whether altered or not.
4. "OWNER" shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring a dog.
5. "DANGEROUS ANIMAL" shall mean:
  - a. Any animal declared to be dangerous by the County Board of Health, City Council, or any other governing body.
  - b. Any animal which is not naturally tamed or gentle; and which is of a wild nature or disposition and is customarily confined to a zoo and is not of a species customarily used as an ordinary household pet; and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals and having known tendencies as a species to do so, or causes a reasonable person to be fearful of bodily harm or property damage. Fish in an aquarium, unless otherwise noted are not considered in this definition. This definition of said animals shall include, but not be limited to:
    - (1) Alligators and crocodiles;
    - (2) All poisonous animals including rear-fang snakes;
    - (3) Apes (chimpanzees, gibbons, gorillas, orangutans, and siamangs);
    - (4) Baboons;
    - (5) Bats
    - (6) Bears;
    - (7) Bison;
    - (8) Bobcats
    - (9) Chimpanzees
    - (10) Cheetahs;
    - (11) Cougars
    - (12) Constrictor and venomous snakes;
    - (13) Coyotes;

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- (14) Deer;
- (15) Game cocks and other fighting birds;
- (16) Gila Monsters;
- (17) Hippopotami;
- (18) Hyenas;
- (19) Jaguars;
- (20) Leopards;
- (21) Lions;
- (22) Lynxes;
- (23) Mink
- (24) Monkeys;
- (25) Ostriches;
- (26) Piranha fish;
- (27) Pumas, also known as cougars, mountain lions and panthers;
- (28) Raccoons
- (29) Rhinoceroses;
- (30) Scorpions;
- (31) Sharks;
- (32) Snow leopards;
- (33) Skunks
- (34) Swine;
- (35) Tigers;
- (36) Wolves and part-wolves
- (37) Wolverines
- (38) Weasels

6. "VICIOUS ANIMAL" shall mean any animal, except a dangerous animal per se as listed above, that has chased or attacked or bitten or has attempted to bite or claw a person or persons while running at large and the attack was unprovoked; any animal that has chased, killed or maimed any domestic animal or fowl, or if such animal has been deemed vicious by the court, County Board of Health, City Council, or other governing body; or when the propensity to attack or bite persons or to chase, kill, or maim domestic animals or fowl shall exist and is known or ought reasonably to be known to the owner.

7. "DOMESTIC LIVESTOCK" shall mean any domestic animal commonly raised solely for food commerce, and shall include, but not be limited to any cattle, horses, swine, sheep or other similar animals or fowl or any other animals not commonly considered household pets.

12.02 ABANDONMENT. A person who has ownership of a cat or dog shall not abandoned the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody, or the person may deliver the cat or dog to an animal shelter or pound.

### TITLE III

12.03 KEEPING OF VICIOUS OR DANGEROUS ANIMALS PROHIBITED. It shall be unlawful for any person to harbor, keep, or shelter any dangerous or vicious animal as a pet, or act as a temporary custodian for such and animal, or keep, shelter, or harbor such animal for any other purpose or in any other capacity within the City except as provided in this section:

1. Dangerous Animal Exceptions. The prohibition contained in this section shall not apply to the keeping of dangerous animals in the following circumstances:
  - a. The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibits, or shows.
  - b. The keeping of dangerous animals in a bona fide, licensed veterinary hospital or animal shelter for treatment or boarding.
2. Vicious animal exception: The prohibition contained in this section shall not apply to the keeping of vicious animals, which are under the control of a law enforcement or military agency.
3. Disposition of Dangerous or Vicious Animals. It shall be unlawful for any person to harbor or keep a dangerous or vicious animal within the City limits. In the event that a dangerous or vicious animal is found at large and unattended, it shall be lawful and the duty of all peace officers within their jurisdiction to kill any animal that has been determined to be dangerous or vicious through violation of this chapter. The City shall be under no duty to attempt the confinement or capture of a dangerous or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction. The City will take immediate action in the proper disposal of the remains of the destroyed animal. Any costs incurred by the City in the destruction and disposal of the animal will be the responsibility of the animal owner.

12.04 OWNERS DUTY. It shall be the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It shall be the duty of physicians and veterinarians to report to the local board of health and the City of Inwood the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

12.05 CONFINEMENT. When a Peace Officer, Employee, City Council Member, or Mayor of the City of Inwood receives information that an animal has bitten any person or that a dog or animal is suspected of having rabies, the owner shall be ordered to confine such animal in the manner directed. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by the City of Inwood, and after two weeks the City 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)

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- 12.06 RIGHT TO KILL UNTAGGED DOGS. It shall be lawful for any person, and the duty of all peace officers, to kill any dog for which a rabies vaccination tag is required, when such dog is not wearing a collar with vaccination tag attached as hereing provided.  
(Code of Iowa, Sec. 351.26)
- 12.07 RIGHT TO KILL TAGGED DOGS. It shall be lawful for any person to kill a dog, licensed and wearing a collar with a rabies vaccination tag attached, when the dog is caught in the act of worrying, chasing, maiming, or killing any domestic animal or fowl, or when such dog is attacking or attempting to bite a person.  
(Code of Iowa, Sec. 351.27)
- 12.08 DISPOSAL OF OTHER ANIMALS. If the owner of any animal apprehended, other than a dog, cannot be located after a reasonable effort by local authorities such animal may be humanely destroyed or otherwise disposed of in accordance with the law.
- 12.09 KEEPING PROHIBITED. It shall be unlawful to keep, harbor, own or in any way possess, a dangerous animal within the City of Inwood, Iowa. Any such dangerous animal shall be removed from the City within a period of thirty (30) days starting from the effective date of this ordinance.
- 12.10 VIOLATION AND PENALTY: Any person violating or permitting the violation of any provision of this article shall, upon conviction in Magistrate Court, be fined a sum of not less than two hundred dollars (\$200.00) and not more than five-hundred dollars (\$500.00). In addition to the fine imposed, the Court may sentence the defendant to imprisonment in the County jail for a period not to exceed thirty (30) days. In addition, the Court shall order the animal removed from the City. Should the defendant fail to remove the animal 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.



## TITLE III

### ARTICLE 13 - KEEPING OF PIT BULL DOGS

- 13.01 PURPOSE. In order to protect the health, safety and welfare of the residents and citizens of the City of Inwood, Iowa the Inwood council does hereby enact the following provisions:
- 13.02 KEEPING PROHIBITED. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the Inwood, Iowa, any pit bull dogs; provided, that pit bull dogs licensed with the City of Inwood on or before the first day of July, 2013, may be kept within the City of Inwood, Iowa, subject to the standards and requirements set forth in Section 13.04 of this article.
- 13.03 DEFINITION. "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 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 pit bull terrier, 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.
- 13.04 KEEPING OF REGISTERED PIT BULLS. The provisions of Section 13.02 of this article are not applicable to owners, keepers, or harborers of pit bull dogs licensed with the City of Inwood, Iowa, on or before the first day of July, 2013, the effective date of this article. The keeping of such dogs, however, shall be subject to the following standards:
1. Leash and Muzzle. No person shall permit a licensed pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull 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 licensed pit bull dogs shall be kept securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. All structures used to confine licensed pit bull dogs must be locked with a key or a 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 (2) 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.

### TITLE III

3.     Confinement Indoors. No pit bull may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or doors are the only obstacle preventing the dog from exiting the structure.
4.     Signs. All owners, keepers or harborers of licensed pit bull dogs within the City of Inwood shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animals.
5.     Insurance. All owners, keepers or harborers of licensed pit bull dogs must within 10 days of the effective date of this ordinance provide proof to the City Clerk of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or persons or for damages to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless 10 days written notice is first given to the City Clerk of Inwood.
6.     Identification Photographs. All owners, keepers or harborers of licensed pit bull dogs must within 10 days of the effective date of this ordinance provide to the city clerk two color photographs of the registered animal clearly showing the color and approximate size of the animal.
7.     Reporting Requirements. All owners, keepers or harborers of licensed pit bull dogs must within 10 days of the incident, report the following information in writing to the City Clerk as required hereinafter:
  - a. The removal from the City or the death of a licensed pit bull dog.
  - b. The birth of offspring of a licensed pit bull dog.
  - c. The new address of a licensed pit bull dog owner should the owner move within the corporate city limits.
8.     Sale or Transfer of Ownership Prohibited. No person shall sell, barter or in any other way dispose of a pit bull dog licensed to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the licensed owner of such dog; provided that the licensed owner of a pit bull dog may sell or otherwise dispose of a licensed dog or the offspring of such dog to persons who do not reside within the City.
9.     Animals Born to Licensed Dogs. All offspring born of pit bull dogs licensed with the City must be removed from the City within six (6) weeks of the birth of such animal.

### **TITLE III**

10. Irrebuttable Presumptions. There shall be an irrebuttable presumption that any dog licensed with the City as a pit bull dog or any of these breeds prohibited by Section 12.03 of this article is in fact a dog subject to the requirements of this section.
11. Failure to Comply. It shall be unlawful for the owner, keeper or harbinger of a pit bull dog licensed with the City to fail to comply with the requirements and conditions set forth in this ordinance. If there is failure to comply with the requirements, the pit bull dog shall be subject to immediate seizure and impoundment. In addition, failure to comply may result in the revocation of the license of such animal resulting in the immediate removal from the City.
12. Violations and Penalties. Any person violating or permitting the violation of any provision of this ordinance shall upon conviction in Magistrate Court be fined a sum of not less than two hundred dollars (\$200) and not more than five-hundred dollars (\$500.00). In addition to the fine imposed, the Court may sentence the defendant to imprisonment in the county jail for a period not to exceed thirty (30) days. In addition, the court shall order the license of the subject pit bull revoked and 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 ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this ordinance.

## **CHAPTER 4: VEGETATION CONTROL**

### **ARTICLE 14 – GENERAL PROVISIONS**

### TITLE III

14.01 PURPOSE. It shall be unlawful for any owner, agent or occupant in possession or control of any lands, to fail, neglect or refuse to cut or destroy any or all noxious weeds thereon as defined by law, and/or vines, brush or other growth, which constitute a health, safety or fire hazard. All such cutting and destroying of such weeds and/or vines, brush or other growth shall be done at such time as shall prevent such weeds from blooming or coming to maturity, and in the event that chemical solutions are used for such control, said chemicals shall be used in such a manner as to not damage the growth on adjoining property. This chapter also is to beautify and preserve the appearance of the City by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting street right-of-way in order to prevent unsightly, offensive or nuisance conditions.

14.02 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.

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

14.04 CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE.

1. Every owner shall cut, mow and maintain all grass, weeds and brush upon the owner's property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner's property, to a uniform height as defined in Section 14.05 of this Chapter.
2. Every owner shall cut, mow and maintain grass, weeds and brush adjacent to the curb line, including the parking area abutting the owner's property, in such a manner so as to be in conformity with and at an even height with all other grass, weeds or brush growing on the remainder of the owner's property.

14.05 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 six inches (6").

### TITLE III

2. Undeveloped Residential Areas – not to exceed eight inches (8").
3. Business and Industrial Areas – not to exceed six inches (6").
4. Agriculture Areas – not to exceed eighteen inches (18").

Grass, weeds and brush which are allowed to grow in excess of the above specified limitations are deemed to be violations of this chapter.

#### 14.06 NOXIOUS WEEDS.

1. Every owner shall cut and control noxious weeds upon the owner's property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner's property, by cutting noxious weeds to ground level or use of herbicides to eliminate or eradicate such weeds.
2. Noxious weeds include any weed growth or plant designed as noxious by the State Department of Natural Resources rules and regulations or by the Code of Iowa.

#### 14.07 NOTICE TO ABATE. Upon discovery of any violations of this chapter, the City may within five (5) days initiate abatement procedures as outlined in Title 3, Chapter 2, Article 9 of this Code of Ordinances.

## CHAPTER 5: DRUG PARAPHERNALIA

### ARTICLE 15 – DRUG PARAPHERNALIA

### TITLE III

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

15.02 DEFINITIONS.

1. Controlled Substance: has the same meaning as contained in the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.
2. Drug Paraphernalia: means all equipment, products and materials of any kind which were 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 chapter 124 of the Code of Iowa, commonly known as the Uniform Substances Act. It includes but is not limited to the following:
  - A. 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.
  - B. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
  - C. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
  - D. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances except for such equipment of a peace officer or any person acting as an agent or under the direction of any Police agency.
  - E. Scales and balances used, intended for use in weighing or measuring a controlled substances.
  - F. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose or lactose, used or intended for use or designed for use in cutting controlled substances.
  - G. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning and refining marijuana.
  - H. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.
  - I. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.

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- J. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
- K. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in primarily injecting controlled substance into the human body.
- L. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing heroin, marijuana, cocaine, methamphetamine, 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 beads or punctured metal bowls;
  - b. water pipes, chamber pipes, carburetor pipes, electric pipes, air-driven pipes, bongs, ice pipes or chiller;
  - c. carburetor tubes and devices;
  - d. smoking and carburetion masks;
  - e. roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;
  - f. miniature cocaine spoons and cocaine vials.

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

- A. Statements by an owner or by anyone in control of the object concerning its use.
- B. Prior convictions, if any, of an owner or anyone in control of the object under any state or federal law relating to any controlled substances.
- C. The proximity of the objects in time and space to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa.
- D. The proximity of the object to controlled substances.
- E. The existence of any residue of a controlled substance on the object.
- F. Direct or circumstantial evidence of the intent of any owner or of anyone in control of the object, to deliver it to persons whom he/she or she knows or should reasonably know intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform

### TITLE III

Controlled Substances Act, Chapter 124 of the Code of Iowa, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.

- G. Instruction, oral or written, provided with the object concerning its use.
- H. Descriptive materials accompanying the object which explains or depicts its use.
- I. The manner in which the object is displayed for sale.
- J. 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. Direct or circumstantial evidence or the ratio of sales of the objects in the total sales of the business enterprise.
- K. The existence and scope of legitimate uses for the objects in the community.
- L. Expert testimony concerning its use.

15.04 DRUG PARAPHERNALIA PROHIBITED. No person use, or 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 Substances Act, Chapter 124 of the Code of Iowa.

15.05 MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA PROHIBITED. No person shall deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia, intending that the drug paraphernalia will be used, or knowing or under circumstances where one should reasonably know that it will be used, or know that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, packing, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa.

(Editors Note: Chapter 5, Article 15 – Drug Paraphernalia was added at time of updating the City’s Code Book in 2013)

## CHAPTER 6: EXCESSIVE NOISE

### ARTICLE 16 - GENERAL PROVISIONS



### TITLE III

16.01 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this Chapter:

1. "DAY": The hours between seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M.
2. "NIGHT": The hours between eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M.
3. "NOISE": Unwanted or annoying sound.
4. "PERSON": Any individual, firm or corporation.
5. "VEHICLE": Any passenger vehicle, motorcycle, truck, truck trailer, trailer, semi-trailer or similar device intended to convey people and/or commodities which is propelled or drawn by mechanical power, but shall not include airplanes and toys.

16.02 NOISES PROHIBITED. Each of the following acts, among others, is hereby declared to be in violation of this Chapter, and is prohibited. The following enumerated acts shall not be construed as limited or precluding enforcement of any other provisions of this Chapter:

1. Horns, Signaling Devices, Etc.: The sounding of any horn or signaling device of any automobile, motorcycle, bus or other vehicle on any street or public place of the City, except as a danger warning, for an unnecessary and unreasonable period of time. During nighttime hours, any sounding of horns except as a danger warning shall be considered unnecessary.
2. Hawkers And Peddlers: The sale by outcry within any area of the City zoned for residential uses. The provisions of this subsection shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events, nor to prohibit the selling of newspaper by outcry.
3. Animals and Fowl: The keeping of, upon any premises, owned, occupied or controlled by any person, any animal or fowl otherwise permitted to be kept which, by any sound, barking or cry, shall cause annoyance or discomfort to a reasonable person of normal sensibilities.
4. Radios, Televisions, Etc.: The use of radios, televisions, cassette and other tape recorders, public address systems, and other sound amplification devices, including any such devices incorporated into motor vehicles, in or within five hundred feet (500') of any residentially zoned district of the City when the level is maintained at a level such that it can be heard at or within premises adjacent to the premises, park or other locale where the device is being used, and:
  - a. During night hours which volume level a reasonable person would conclude could be expected to interfere with sleep or other quiet time activities at such adjacent premises;  
or

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- b. During day hours which volume level a reasonable person would conclude could be expected to interfere with normal daytime activities carried on at residential premises, or if the noise level is intentionally maintained at a particular level for the specific purposes of annoying a particular person; provided that nothing contained in this paragraph 2 shall be held to prohibit public speaking, the ordinary conduct of legitimate business, or other lawful expressions of opinion not in contravention of other laws.
5. Schools, Courts, Churches, Hospitals: The creation of a loud and excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital.
6. Construction or Repair of Buildings: The erection (including excavation), demolition, alteration or repair of any building other than between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M. of any day.
7. Pile Drivers, Hammers, Etc.: The operation between the hours of six o'clock (6:00) P.M. and seven o'clock (7:00) A.M. of any pile driver, steam shovel, pneumatic hammer, derrick, power hoist or other construction equipment.
8. Garbage Collection: The collection of garbage, waste or refuse by any person in any area zoned residential, except between the hours of six o'clock (6:00) A.M. and nine o'clock (9:00) P.M. of any day and then only in a manner so as not to create a loud or excessive noise.
9. Vehicle Repairs: The repair or rebuilding of any motor vehicle within any residential area of the City between the hours of nine o'clock (9:00) P.M. and eight o'clock (8:00) A.M. in such a manner that a reasonable person of normal sensitivities residing in the area is caused discomfort or annoyance.
10. Exhausts: The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motor boat, or motor vehicle or discharge of air or other gases except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
11. Unlawful Use Of Buildings: No person owning, or in possession of or in control of any building or premises, shall use the same, permit the use of the same, or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation, if such use shall, by the noise generated therefrom, disturb or interfere with the peace of the neighborhood in which such building or premises is situated.
12. Lawn mowers, Garden Tools, Etc.: The use of lawn mowers, small lawn and garden tools, riding tractors and other powered equipment necessary for the maintenance of property during the hours of nine o'clock (9:00) P.M. through seven o'clock (7:00) A.M., inclusive. Snow blowers and other powered snow removal equipment are specifically exempt from this prohibition.

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13. Loud, Unnecessary Or Unusual Noise: Notwithstanding any other provision of this Chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person or normal sensitivities residing in the area.

#### **16.03 MISCELLANEOUS OPERATIONS.**

1. Emergency Operation: Emergency short-term operations which are necessary to protect the health and welfare of the citizens, such as emergency utility and street repair, fallen tree removal or emergency fuel oil delivery, shall be exempt from the provisions of this Chapter, provided that reasonable steps shall be taken by those in charge of such operations to minimize noise emanating from the same.
2. Noise Required By Law: The provisions of this Chapter shall not apply to any noise required specifically by law for the protection or safety of people or property.
3. Airplanes: Aircraft operations which are controlled specifically by Federal law and enforcement shall be exempted from the provisions of this Chapter.
4. Disorderly Conduct: Noise created by human behavior and generally considered to be disorderly conduct, shall, unless specifically described in section 16.02 of Title III, be regulated under article 1 of this chapter.
5. Municipal Street Responsibilities: The provisions of this Chapter shall not apply to any noise produced by the operation of the City's street sweeper, by operation of the air compressor in connection with street painting operations, and by the operation of snow removal equipment during or following a snowfall event.

#### **16.04 VARIANCE MAY BE GRANTED**

1. Variance permits may be issued by the City Clerk's office to exceed the noise standards set forth in this Chapter, as follows:
  - a. General: A temporary variance permit may be issued upon request to perform certain work activities outside the normal hours provided in section 16.02 of this chapter for such activity provided it is necessary to conduct the work activity at such times so as to promote public health and/or welfare and reasonable steps are taken to keep such noise at the lowest possible practical level.
  - b. Special Community Events: A temporary variance permit may be issued for special events, such as circuses, Fourth of July celebrations and similar community events, which are limited in duration and are generally acceptable to the people of the community; provided that precautions are taken to maintain the noises produced at the lowest practical level.

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- c. Procedure To Obtain A Variance Permit: Applications for temporary variance permits must be made in writing to the City Clerk's Office and shall contain all of the following pertinent information:

Dates requested;

Time and place of operation;

Equipment and operation involved; Necessity for such permit;

Steps to be taken to minimize noise; and

Name of responsible person(s) who will be present at the site while the noise is produced.

- d. Limitations and Revocation: The Mayor may place such limitations upon the granting of a variance as the Council may request; and, the Mayor is specifically authorized to revoke the granted variance if the applicant shall fail to meet the limitations placed upon the granting of the variance and/or other circumstances occurring subsequent to the granting of the variance requiring such revocation.

2. Spontaneous Celebrations: Unusual noises associated with specific events, such as victory celebrations during or following athletic events and motor vehicle processions following weddings shall be considered as having occurred pursuant to permit provided in section 16.04 of this chapter provided that such demonstration or celebration is of reasonably short duration, does not occur after ten o'clock (10:00) P.M., and is otherwise ceased if requested by peace officer or other appropriate public officials.

16.05 ENFORCEMENT. It shall be the duty of the Lyon County Sheriff's Department or another proper law enforcement entity to enforce the provisions of this article.

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### CHAPTER 7: MUNICIPAL INFRACTIONS

#### ARTICLE 17 - MUNICIPAL INFRACTIONS

##### 17.01 DEFINITIONS.

1. Municipal Infraction: Any violation of the City Code of Inwood, Iowa, is a municipal infraction, EXCEPT any violation which is a felony, an aggravated misdemeanor, or a serious misdemeanor under state law, or any violation which is a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa.
2. Officer: Any employee or person authorized to enforce the ordinances and the City Code of the City of Inwood, Iowa.
3. Repeat Offense: Any recurring violation of the same section of the ordinances or the City Code of Inwood, Iowa.

(Code of Iowa Sec. 364.22)

##### 17.02 PENALTIES.

1. A municipal infraction is a civil offense punishable as provided in the following schedule of civil penalties:

First offense, a penalty not less than \$200.00 and shall not exceed \$750.00  
Each repeat offense, a penalty not less than \$300 and not to exceed \$1,000.00

However, a municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R § 403.8 by an industrial user may be punishable by a civil penalty of not more than \$1,000.00 for each day a violation exists or continues.

2. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.
3. A municipal violation Classified as an environmental violation is punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:
  - a. The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.

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- b. The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
  - c. The violation does not continue in existence for more than eight (8) hours.
4. Seeking a civil penalty as authorized in the above provisions does not preclude the city from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

(Code of Iowa, Sec. 364.22)

#### 17.03 CIVIL CITATIONS.

- 1. Any officer authorized by the City to enforce the City Code or ordinances may issue a civil citation to a person who commits a municipal infraction.
- 2. The citation may be served by personal service as provided in Iowa Rule of Civil Procedure 56.1, or by certified mail to the defendant at the defendant's last known mailing address, return receipt requested, or by publication in the manner provided in Iowa Rule of Civil Procedure 60 and subject to the conditions of Iowa Rule of Civil Procedure 60.1.
- 3. A copy of the citation shall be retained by the issuing officer, and one copy shall be provided to the clerk of the district court.
- 4. 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 officer 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.
  - g. The penalty for failure to appear in court.
  - h. The legal description of the affected property, if applicable.

(Code of Iowa, Sec. 364.22)

### TITLE III

- 17.04 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 connection with the Department of Natural Resources, or both, may be classified as an environmental violation. However, the provision of this section shall not be applicable until the City has offered to participate in informal negotiations regarding the violation or the following specific violations:

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

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

- 17.05 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 relief may include, but is not limited to, an order for abatement or injunctive relief.

(Code of Iowa, Sec. 364.22(9))

### TITLE III



## **TITLE IV**

### **TITLE IV - TRAFFIC AND STREETS**

## TITLE IV

### CHAPTER 1: TRAFFIC CODE

#### ARTICLE 1 - GENERAL PROVISIONS

1.01 DEFINITIONS. Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter 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. "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.
2. "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.
3. "STOP" shall mean when required, the complete cessation of movement.
4. "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.
5. "BUSINESS DISTRICT" shall mean the territory described by the following parts of streets:
  - a. Maple Street from Adams Street to Church Street.
  - b. Main Street from Monroe Street to Washington Street.
  - c. Oak Street from Madison Street to Washington Street.
  - d. Railroad Right of Way Property from Cherry Street to Oak Street.
6. "RESIDENCE DISTRICT" shall mean the territory contiguous to and including a highway not comprising a business, suburban, or school district, where forty percent or more of the frontage on such highway for a distance of three hundred feet or more is occupied by dwellings and buildings in use for business.

(Code of Iowa Sec. 321.1(58))
7. "SUBURBAN DISTRICT" shall mean all other parts of the City not included in a business, school or residence district.

(Code of Iowa Sec. 321.1(60))

## TITLE IV

8. "SCHOOL DISTRICT" shall mean the territory contiguous to and including a highway for a distance of two hundred feet in either direction from a schoolhouse in a city.

(Code of Iowa Sec. 321.1(59))

9. "OFFICIAL TRAFFIC CONTROL DEVICE" shall mean all signs, signals, markings and devices not inconsistent with Iowa law placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(Code of Iowa Sec. 321.1(62))

10. "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(45))

11. "VEHICLE" shall mean any device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

(Code of Iowa Sec. 321.1(1))

12. "CONTROLLED ACCESS FACILITY" shall mean the highways or streets designated by LOCATION of this Code.

1.02 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the Lyon County Sheriff's Department or by other law enforcement personnel contracted by the City.

1.03 TRAFFIC ACCIDENTS. The following shall apply to traffic accidents:

1. REPORT. The driver of a vehicle involved in an accident within the limits of this city shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the city for the confidential use of the peace officers and shall be subject to the provisions of the Code of Iowa.

(Code of Iowa, Sec. 321.271)

2. INVESTIGATION. The Lyon County Sheriff's Department shall investigate all accidents reported. If sufficient evidence of a violation is found, proper action will be taken to punish the violator.

1.04 FILES MAINTAINED. The Lyon County Sheriff's Department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver during the most recent three year period. Such reports shall be filed alphabetically under the name of the driver concerned.

## TITLE IV

- 1.05 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.
- 1.06 PEACE OFFICER'S AUTHORITY. Any peace officer is authorized to stop a vehicle to require exhibition of the driver's license of the driver, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires, and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of the vehicle.  
(Code of Iowa, Sec. 321.492)
- 1.07 OBEDIENCE TO PEACE OFFICERS. No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control or regulate traffic.

## TITLE IV

### CHAPTER 1: TRAFFIC CODE

#### ARTICLE 2 - REGULATIONS AND VIOLATIONS

2.01 VIOLATION OF STATE REGULATIONS. Any person who shall willfully fail or refuse to comply with any lawful order of a peace officer or direction of a fire department officer during a fire, or who shall fail to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this chapter. These sections of the Code of Iowa are adopted reference:

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.20B – Proof of security against liability; driving without liability coverage.
3. Section 321.32 – Registration card, carried and exhibited.
4. Section 321.37 – Display of plates.
5. Section 321.38 – Plates, method of attaching, imitations prohibited.
6. Section 321.79 – Intent to injure.
7. Section 321.91 – Penalty for abandonment.
8. Section 321.98 – Operation without registration.
9. Section 321.99 – Fraudulent use of registration.
10. Section 321.174 – Operators licensed.
11. Section 321.174A – Operation of motor vehicles with expired license.
12. Section 321.180 – Instruction permits.
13. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
14. Section 321.193 – Restricted licenses.
15. Section 321.194 – Special minor’s licenses.
16. Section 321.216 – Unlawful use of license and nonoperator’s identification card.
17. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.

## TITLE IV

18. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.
19. Section 321.219 – Permitting unauthorized minor to drive.
20. Section 321.220 – Permitting unauthorized person to drive.
21. Section 321.221 – Employing unlicensed chauffeur.
22. Section 321.222 – Renting motor vehicle to another.
23. Section 321.223 – License inspected.
24. Section 321.224 – Record kept.
25. Section 321.232 – Radar jamming devices; penalty.
26. Section 321.234A – All-terrain vehicles. (See Title IV, Chapter 5, Article 22 of this Code)
27. Section 321.235A – Electric personal assistive mobility devices.
28. Section 321.247 – Golf cart operation on City streets. (see Title IV, Chapter 6, Article 23 of this Code)
29. Section 321.257 – Official traffic control signal.
30. Section 321.259 – Unauthorized signs, signals or markings.
31. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
32. Section 321.262 – Damage to vehicle.
33. Section 321.263 – Information and aid.
34. Section 321.264 – Striking unattended vehicle.
35. Section 321.265 – Striking fixtures upon a highway.
36. Section 321.275 – Operation of motorcycles and motorized bicycles.
37. Section 321.278 – Drag racing prohibited.
38. Section 321.284 – Open containers in motor vehicles – drivers.
39. Section 321.284A – Open containers in motor vehicles – passengers.

## **TITLE IV**

- 40. Section 321.288 – Control of vehicle; reduced speed.
- 41. Section 321.295 – Limitation on bridge or elevated structures.
- 42. Section 321.297 – Driving on right-hand side of roadways; exceptions.
- 43. Section 321.298 – Meeting and turning to right.
- 44. Section 321.299 – Overtaking a vehicle.
- 45. Section 321.302 – Overtaking and otherwise.
- 46. Section 321.303 – Limitations on overtaking on the left.
- 47. Section 321.304 – Prohibited passing.
- 48. Section 321.306 – Roadways laned for traffic.
- 49. Section 321.307 – Following too closely.
- 50. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
- 51. Section 321.309 – Towing; convoys; drawbars.
- 52. Section 321.310 – Towing four-wheel trailers.
- 53. Section 321.312 – Turning on curve or crest of grade.
- 54. Section 321.313 – Starting parked vehicle.
- 55. Section 321.314 – When signal required.
- 56. Section 321.315 – Signal continuous.
- 57. Section 321.316 – Stopping.
- 58. Section 321.317 – Signals by hand and arm or signal device.
- 59. Section 321.319 – Entering intersections from different highways.
- 60. Section 321.320 – Left turns; yielding.
- 61. Section 321.321 – Entering through highways.
- 62. Section 321.322 – Vehicles entering stop or yield intersection.
- 63. Section 321.323 – Moving vehicle backward on highway.

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- 64. Section 321.323A – Approaching certain stationary vehicles.
- 65. Section 321.324 – Operation on approach of emergency vehicles.
- 66. Section 321.324A – Funeral processions.
- 67. Section 321.327 – Yield to pedestrians in crosswalks.
- 68. Section 321.329 – Duty of driver – pedestrians crossing or working on highways.
- 69. Section 321.330 – Use of crosswalks.
- 70. Section 321.332 – White canes restricted to blind persons.
- 71. Section 321.333 – Duty of drivers.
- 72. Section 321.340 – Driving through safety zone.
- 73. Section 321.341 – Obedience to signal of train.
- 74. Section 321.342 – Stop at certain railroad crossings; posting warning.
- 75. Section 321.343 – Certain vehicles must stop.
- 76. Section 321.344 – Heavy equipment at crossing.
- 77. Section 321.344B – Immediate safety threat; penalty.
- 78. Section 321.354 – Stopping on traveled way.
- 79. Section 321.359 – Moving other vehicle.
- 80. Section 321.362 – Unattended motor vehicle.
- 81. Section 321.363 – Obstruction to driver's view.
- 82. Section 321.364 – Preventing contamination of food by hazardous material.
- 83. Section 321.365 – Coasting prohibited.
- 84. Section 321.367 – Following fire apparatus.
- 85. Section 321.368 – Crossing fire hose.
- 86. Section 321.369 – Putting debris on highway.



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- 87. Section 321.370 – Removing injurious material.
- 88. Section 321.371 – Clearing up wrecks.
- 89. Section 321.372 – School buses.
- 90. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
- 91. Section 321.381A – Operation of low-speed vehicles.
- 92. Section 321.382 – Upgrade pulls; minimum speed.
- 93. Section 321.383 – Exceptions; slow vehicles identified.
- 94. Section 321.384 – When lighted lamps required.
- 95. Section 321.385 – Head lamps on motor vehicles.
- 96. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
- 97. Section 321.387 – Rear lamps.
- 98. Section 321.388 – Illuminating plates.
- 99. Section 321.389 – Reflector requirement.
- 100. Section 321.390 – Reflector requirements.
- 101. Section 321.392 – Clearance and identification lights.
- 102. Section 321.393 – Color and mounting.
- 103. Section 321.394 – Lamp or flag on projecting load.
- 104. Section 321.395 – Lamps on parked vehicles.
- 105. Section 321.398 – Lamps on other vehicles and equipment.
- 106. Section 321.401A – Light-restricting devices prohibited.
- 107. Section 321.402 – Spot lamps.
- 108. Section 321.403 – Auxiliary driving lamps.
- 109. Section 321.404 – Signal lamps and signal devices.
- 110. Section 321.404A – Light-restricting devices prohibited.

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- 111. Section 321.405 – Self-illumination.
- 112. Section 321.406 – Cowl lamps.
- 113. Section 321.408 – Back-up lamps.
- 114. Section 321.409 – Mandatory lighting equipment.
- 115. Section 321.415 – Required usage of lighting devices.
- 116. Section 321.417 – Single-beam road-lighting equipment.
- 117. Section 321.418 – Alternate road-lighting equipment.
- 118. Section 321.419 – Number of driving lamps required or permitted.
- 119. Section 321.420 – Number of lamps lighted.
- 120. Section 321.421 – Special restrictions on lamps.
- 121. Section 321.422 – Red light in front.
- 122. Section 321.423 – Flashing lights.
- 123. Section 321.430 – Brake, hitch and control requirements.
- 124. Section 321.431 – Performance ability.
- 125. Section 321.432 – Horns and warning devices.
- 126. Section 321.433 – Sirens, whistles and bells prohibited.
- 127. Section 321.434 – Bicycle sirens or whistles.
- 128. Section 321.436 – Mufflers, prevention of noise.
- 129. Section 321.437 – Mirrors.
- 130. Section 321.438 – Windshields and windows.
- 131. Section 321.439 – Windshield wipers.
- 132. Section 321.440 – Restrictions as to tire equipment.
- 133. Section 321.441 – Metal tires prohibited.

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- 134. Section 321.442 – Projections on wheels.
- 135. Section 321.444 – Safety glass.
- 136. Section 321.445 – Safety belts and safety harnesses; use required.
- 137. Section 321.446 – Child restraint devices.
- 138. Section 321.449 – Motor carrier safety regulations.
- 139. Section 321.450 – Hazardous materials transportation.
- 140. Section 321.454 – Width of vehicles.
- 141. Section 321.455 – Projecting loads on passenger vehicles.
- 142. Section 321.456 – Height of vehicles; permits.
- 143. Section 321.457 – Maximum length.
- 144. Section 321.458 – Loading beyond front.
- 145. Section 321.460 – Spilling loads on highways.
- 146. Section 321.461 – Trailers and towed vehicles.
- 147. Section 321.462 – Drawbars and safety chains.
- 148. Section 321.463 – Maximum gross weight.
- 149. Section 321.465 – Weighing vehicles and removal of excess.
- 150. Section 321.466 – Increased loading capacity; re-registration.

- 2.02 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of the city unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or him or herself to any vehicle upon a roadway.
- 2.03 VEHICLES ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

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- 2.04 TAMPERING WITH VEHICLE. Any person who either individually, or in association with one or more other persons, willfully injures or tampers with any vehicle or breaks or removes any part or parts of or from a vehicle without the consent of the owner is guilty of a simple misdemeanor punishable as provided in the Code of Iowa.  
(Code of Iowa, Sec. 321.482)
- 2.05 MILLING. It shall be unlawful to drive or operate a motor vehicle, either singly or with others in any processional milling or repeated movement over any street to the interference with normal traffic use, or to the annoyance or offense of any person.
- 2.,06 EXCESSIVE ACCELERATION. It shall be unlawful for any person in the operation of a motor vehicle, including motorcycles, to so accelerate such vehicle as to cause audible noise by the friction of the tires on the pavement or to cause the tires of the vehicle to leave skid marks on the pavement, or to cause the front wheel of a motorcycle to leave the ground more than two (2) inches, except when such acceleration is reasonably necessary to avoid a collision.
- 2.07 SQUEALING TIRES. No person shall drive any vehicle in such a manner as to cause the repeated or prolonged squealing of tires through too rapid acceleration or too high speed on turning of such vehicle.
- 2.08 MUFFLERS. It shall be unlawful for a person to operate or drive a motor vehicle on a highway that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, or to use a muffler cutout, bypass or similar device.  
(Code of Iowa, Sec. 321.436)
- 2.09 PLAY STREETS. The council may declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.  
(Code of Iowa, Sec. 321.255)
- 2.10 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.

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### 2.11 FUNERAL OR OTHER PROCESSIONS. The following shall apply to funeral and other processions:

(Code of Iowa, Sec. 321.236(3))

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 other method as may be determined and designated by the Lyon County Sheriff's Department.
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 safe.
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 section. This provision shall not apply at intersections where traffic is controlled by traffic control signals or peace officers.

### 2.12 SCHOOL BUSES. The following shall apply to school buses:

1. SIGNALS. The driver of any school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils at any point within the city, turn on the flashing stop warning signal lights at a distance of not less than one hundred (100) feet, nor more than three hundred (300) feet from the point where the pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop warning lights, retract the stop arm and then proceed on the route. No school bus shall stop to load or unload pupils unless there is at least three hundred (300) feet of clear vision in each direction.

(Code of Iowa, Sec. 321.372(1))

2. LIGHTS ON. The driver of a school bus shall, while carrying passengers, have its headlights turned on.

(Code of Iowa, Sec. 321.372(1))

3. DISCHARGING PUPILS. All pupils shall be received and discharged from the right front entrance of every school bus, and if the pupils must cross the street or highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the street or highway only on signal from the bus driver.

(Code of Iowa, Sec. 321.372(2))

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4. **PASSING PROHIBITED.** The driver of any vehicle overtaking a school bus shall not pass a school bus when flashing stop warning signal lights are flashing and shall bring said vehicle to a complete stop not closer than fifteen feet of the school bus when it is stopped and stop arm is extended, and shall remain stopped until the stop arm is retracted and school bus resumes motion, or until signaled by the driver to proceed.

(Code of Iowa, Sec. 321.372(3))

5. **STOP WHEN MEETING.** The driver of any vehicle when meeting a school bus on which the amber warning signal lights are flashing shall reduce the speed of said vehicle to not more than twenty (20) miles per hour, and shall bring said vehicle to a complete stop when signal arm is extended and said vehicle shall remain stopped until stop arm is retracted after which driver may proceed with due caution.

(Code of Iowa, Sec. 321.372(3))

6. **MULTI-LANE ROADS.** The driver of a vehicle upon a highway or street providing two or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though said school bus has stopped.

(Code of Iowa, Sec. 321.372(4))

- 2.13 **PUBLIC CONSUMPTION OR INTOXICATION.** It is unlawful for any person to use or consume alcoholic liquors or beer upon the public streets or highways, or alcoholic liquors in any public place, except premises covered by a liquor control license, or to possess or consume alcoholic liquors or beer on any public school property or while attending any public or private school related function, and no person shall be intoxicated nor simulate intoxication in a public place. As used in this section “school” means a school or that portion thereof which provides teaching for any grade from kindergarten through grade twelve (12).

(Code of Iowa, Sec. 123.46)

- 2.14 **OPEN CONTAINERS IN A MOTOR VEHICLE.** Any person driving a motor vehicle or a passenger in a motor vehicle shall not knowingly possess in the motor vehicle upon a public street or highway any open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage or beer with the intent to consume the alcoholic beverage or beer 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 department, utility compartment, console, unlocked portable device, or within the driver or passenger area of the motor vehicle while it is upon a public street or highway is evidence from which the court or a jury may infer that the driver or passenger intended to consume the alcoholic beverage or beer while upon the public street or highway.

(Code of Iowa, Sec. 321.284)

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- 2.15 CARELESS DRIVING. No person shall drive any vehicle in such a manner as to indicate careless driving, which when used here does not impute willfulness or intent, but means simple negligence.
- 2.16 JAKEBRAKING. It shall be unlawful for any person in any part of the City of Inwood to make, or cause to be made, loud or disturbing noises with any mechanical devices operated by compressed air and used for the purpose of assisting braking on any semi-tractor, commonly referred to as jakebraking. The City shall cause notices to be posted, or signs erected indicating prohibition.
- 2.17 UNATTENDED VEHICLE.
1. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key; or to permit it to stand unattended upon any perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.
  2. No “reefer”, or refrigeration unit of a semi or semi-trailer, or a vehicle with refrigeration shall be left unattended and running during daylight hours, nor shall any reefer or refrigeration unit on a vehicle be left running from the hours of sunset to sunrise.
- 2.18 SCOOTERS, SKATEBOARDS, ROLLER SKATES AND IN-LINE SKATES.
1. DEFINITIONS. For use in this chapter, the following terms are defined:
    - a. “Roller skates” or “in-line skates” means skates with wheels instead of runners;
    - b. “Scooter” means a device having two wheels and a low footboard which is steered by a handlebar and is propelled by motor or by pushing one foot against the ground while resting the other on the footboard;
    - c. “Skateboard” means a device consisting of a short oblong piece of wood, plastic or aluminum mounted on large roller skate wheels used for riding upon while standing.

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2. OPERATION PROHIBITED IN CERTAIN AREAS. No person shall ride or operate any scooter, skateboard or roller skates or in-line skates upon the sidewalks or streets within the Business District, or upon sidewalks in any public park or on any property within the Community Square (i.e. Community Center and Swimming Pool property), nor upon any property within the Community Square.
3. USE ON SIDEWALKS. Whenever any person is using a scooter, skateboard or roller skates or in-line skates on any other sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
4. USE ON STREETS. Whenever any person is using a scooter, skateboard or roller skates or in-line skates on any other street, such person shall:
  - a. Observe all traffic control devices and be subject to all the duties applicable to the use of vehicles as required by statute or ordinance;
  - b. Stay as near to the right-hand side of the roadway as possible, exercising due care when passing a standing vehicle or one proceeding in the same direction.



## TITLE IV

### CHAPTER 1: TRAFFIC CODE

#### ARTICLE 3 - SPEED REGULATIONS

- 3.01 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 the person to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.  
(Code of Iowa, Sec. 321.285)
- 3.02 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)
- 3.03 BUSINESS DISTRICT. A speed in excess of twenty (20) miles per hour in the business district, unless specifically designated otherwise in this article, is unlawful.  
(Code of Iowa, Sec. 321.285(1))
- 3.04 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 article, is unlawful.  
(Code of Iowa, Sec. 321.285(2))
- 3.05 SUBURBAN DISTRICT. A speed in excess of forty-five (45) miles per hour in any suburban district, unless specifically designated otherwise in this article, is unlawful.  
(Code of Iowa, Sec. 321.285(4))
- 3.06 PARKS, CEMETERIES AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this article, is unlawful.  
(Code of Iowa, Sec. 321.236(5))
- 3.06 SPECIAL SPEED RESTRICTIONS. In accordance with requirements of the Iowa Uniform Traffic Devices Manual, the council, upon the basis of an engineering and traffic investigation, finds that the general speed limits set out above are greater or less than is reasonable or safe under the conditions found to exist at the particular intersections or parts of the city street system and therefore declares the maximum speed limits to be as set out in section 3.07 at the places named.  
(Code of Iowa, Sec. 321.290)

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3.07 SPECIAL SPEED ZONES. A speed in excess of the limits set out miles per hour shall be unlawful on any of the following designated streets or parts thereof:

1. SPECIAL 15 MILE PER HOUR (MPH) SPEED ZONES:
  - a. CHURCH STREET, from Cherry Street to the county diagonal road.
  - b. CHERRY STREET, from Jefferson Street to Church Street.
2. SPECIAL 30 MPH SPEED ZONES:
  - a. COUNTY ROAD A42, to 50'+ South of Garfield Street.
3. SPECIAL 35 MPH SPEED ZONES:
  - a. OAK STREET, from 50' South of Garfield St. to 650' North of Elliot.
  - b. COUNTY ROAD A42, from a point 200 feet east of Douglas Street, West to Highway Iowa 18.
4. SPECIAL 45 MPH SPEED ZONES:
  - a. OAK STREET, from the north corporate limits to a point 650' north of Elliot Street.
  - b. STA. 547+ to County Road A42.
  - c. 650'+ North of Elliot Street to Sta 62+50.

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### CHAPTER 1: TRAFFIC CODE

#### ARTICLE 4 - TURNING REGULATIONS

- 4.01 AUTHORITY TO MARK. The Lyon County Sheriff's Department 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 & 321.2 55)
- 4.02 OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.
- 4.03 SIGNAL REQUIREMENTS. A signal of intention to turn right or left shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning when the speed limit is forty-five (45) miles per hour or less. The required signals may be given either by means of the hand and arm as provided in the Code of Iowa or by a mechanical or electrical directional signal device or light of a type approved by the department and conforming to the provisions of the Code of Iowa.  
(Code of Iowa, Sec. 321.315)
- 4.04 "U" TURNS. It shall be unlawful for a driver to make a "U" turn except at an intersection; provided however, that "U" turns are prohibited at intersections within the business district, at intersections where there are automatic traffic signals.  
(Code of Iowa, Sec. 321.255 & 321.236(9))
- 4.05 LEFT TURN FOR PARKING. No person shall make a left hand turn, crossing the centerline of the street for the purpose of parking on said street.

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### CHAPTER 1: TRAFFIC CODE

#### ARTICLE 5 - PARKING REGULATIONS

5.01 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 or within ten (10) feet of a crosswalk at an intersection.  
(Code of Iowa, Sec. 321.236(1) & 321.358(5))
2. CENTER PARKING. 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 an intersection of any street.  
(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. 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))

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10. 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))
11. 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))
12. HAZARDOUS LOCATIONS. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the City Council may cause curbing to be painted with a yellow color and erect no parking or standing signs.  
(Code of Iowa, Sec. 321.358(13))
13. THEATERS, HOTELS, AND HOSPITALS. A space of fifty (50) feet is reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, 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)
14. PUBLIC ALLEY. In any public alley within the fire limits of this City.  
(Code of Iowa, Sec. 321.236(1))
15. PRIVATE ALLEY. In any private alley within the fire limits of this city in such a manner that ingress or egress of fire apparatus to or from such alley might be blocked.  
(Code of Iowa, Sec. 321.236(1))
16. STATE HIGHWAY INTERSECTING STREETS. On the minor street approach for a distance of thirty-five (35) feet in advance of the stop sign or on the exit side of the minor street for a distance of thirty-five (35) feet of any State Highway.
17. 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))
18. CONTROLLED ACCESS FACILITY APPROACH. On the minor street approach for a distance of 35 feet in advance of the stop sign or on the exit side of the minor

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street for a distance of 35 feet beyond the crosswalk of any controlled access facility intersection.

19. **IN MORE THAN ONE SPACE.** In any designated parking place so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such spaces.
  20. **RAMPS.** In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.  
(Code of Iowa, Sec.321.358(15))
  21. **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 width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is eighteen (18) feet wide or less; provided said vehicle is parked to deliver goods or services.  
(Code of Iowa, Sec.321.236(1))
- 5.02 **PARKING 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)
- 5.03 **PARK ADJACENT TO CURB: ONE-WAY STREETS.** No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.  
(Code of Iowa, Sec. 321.361)
- 5.04 **ANGLE PARKING.** Angle parking shall be permitted only in designated locations and districts. No part of any vehicle, or the load thereon, when parked within an angle 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)

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5.05 ANGLE PARKING LOCATIONS. Angle parking shall be permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

1. MAIN STREET, on the east side, from Madison Street to Washington Street.
2. MAIN STREET, on the west side, from Madison Street to Church Street.
3. ADAMS STREET, on the north side, from Main Street to Oak Street.
4. ADAM STREET, on north and south sides, from Main Street to the alley between Main Street and Oak Street.
4. JEFFERSON STREET, on the north side, from the alley between Maple Street and Main Street, to Main Street.
5. WASHINGTON STREET, on the north side, from Maple Street to Main Street.

5.06 PARKING SIGNS REQUIRED. Whenever by this article or any other section of the municipal code, any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of City Council to erect or cause to be erected appropriate signs giving notice, and no such regulations shall be effective unless signs are erected and in place at the time of any alleged offense, except where there is a parking ban of uniform application relating to snow removal. When the signs are so erected giving notice, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.255 & 321.358(14))

5.07 VEHICLE UNATTENDED. When a vehicle is parked in violation of this chapter and the driver is not present, the notice of fine or citation as provided in this chapter shall be attached to the vehicle in a conspicuous place.

5.08 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon the roadway for any of the following principal purposes:

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

1. DISPLAY SALE VEHICLE. Displaying such vehicle for sale.
2. MAINTENANCE. For washing, greasing or repairing such vehicle except such repairs as are necessitated by an emergency.
3. ADVERTISING. Displaying advertising.

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4. SELLING FROM VEHICLE. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the city code.
  5. STORAGE. Storage or as junk or dead storage for more than forty-eight (48) hours.
- 5.09 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. 421.276(1))
1. IOWA NO. 182, a controlled access facility as designated from Station 8+11.1 to Station 8+61.6, from Station 38+00 right to Station 52+65 right and from Station 52+65 to Station 61+17.7.
  2. OAK STREET. No parking will be allowed on the east side or the west side of Oak Street from the north city limits to the south city limits.

(Editor's Note: Ordinance 223, approved by Council on December 12, 2012 added 5.09 (2) Oak Street)

- 5.10 HANDICAPPED PARKING SPACES. The city council shall create handicapped parking spaces in the number and in the dimension as required by federal and Iowa statutes or regulations.
- 5.11 IMPROPER USE. The following uses of a handicapped parking space, located on either public or private property, constitutes improper use of a handicapped parking permit, which is a violation of this Code of Ordinances:  
(Code of Iowa, Sec. 321L.4)
- a. Use by motor vehicle not displaying a handicapped parking permit;
  - b. Use by a motor vehicle displaying a handicapped parking permit but not being used by a person in possession of a motor vehicle license with a handicapped designation or a nonoperator's identification card with a handicapped designation (other than a person transporting the handicapped or elderly persons being so transported in a vehicle displaying a removable placard in accordance with Section 321L.2(1b) of the Code of Iowa);
  - c. Use by a motor vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.  
(Code of Iowa, Sec. 805.8A(1c))



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- 5.12 SNOW REMOVAL. No person shall park, abandon or leave unattended any vehicle on any public street, alley, or city-owned off street parking area during snow removal operations unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall.

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

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### CHAPTER 1: TRAFFIC CODE

#### ARTICLE 6 - STOP AND YIELD

- 6.01 VEHICLES ENTERING STOP INTERSECTION. The driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at the first opportunity at either the clearly marked stop line, or before entering the crosswalk, or before entering the intersection, or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Before proceeding, the driver shall yield the right of way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

(Code of Iowa, 321.322(1))

- 6.02 THROUGH STREET STOPS. Every driver of a vehicle shall stop, unless a yield is permitted by this article, before entering an intersection with the following designated through streets:

(Code of Iowa, Sec. 321.345)

1. OAK STREET, from U.S. Highway 18 to north City limits.
  2. MAIN STREET, from U.S. Highway 18 to Elliot Street.
- 6.03 STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following intersections from the directions indicated:
1. CHERRY STREET. Vehicles traveling south on Cherry Street shall stop at Church Street.
  2. CHERRY STREET. Vehicles traveling south on Cherry Street shall stop at Jefferson Street.
  3. DIAGONAL STREET. Vehicles traveling southeast on Diagonal Street shall stop at 240<sup>th</sup> Street.
  4. DIAGONAL STREET. Vehicles traveling northwest on Diagonal Street shall stop at Oak Street.
  5. EMILY AVENUE. Vehicles traveling west on Emily Avenue shall stop at Oak Street.
  6. GARFIELD STREET. Vehicles traveling southwest on Garfield shall stop at Jefferson Street.

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7. GRANT STREET. Vehicles traveling east and west on Grant Street shall stop at Main Street.
  8. MAIN STREET. Vehicles traveling south on Main Street shall stop at Highway U.S. 18.
  9. MAPLE STREET. Vehicles traveling south on Maple Street shall stop at U.S. 18.
  10. MAPLE STREET. Vehicles traveling on Maple Street shall stop at Jefferson Street.
  11. MAPLE STREET. Vehicles traveling south on Maple Street shall stop at Church Street.
  12. MONROE STREET. Vehicles traveling east on Monroe Street shall stop at Maple Street.
  13. OAK STREET. Vehicles traveling south on Oak Street shall stop at Highway U.S. 18.
  14. PARK STREET. Vehicles traveling north on Park Street shall stop at Washington.
  15. PARK STREET. Vehicles traveling on Park Street shall stop at Madison Street.
  16. PARK STREET. Vehicles traveling south on Park Street shall stop at Diagonal Street.
  17. SOUTH DOUGLAS STREET. Vehicles traveling south on South Douglas Street shall stop at County Road 240<sup>th</sup> Street.
- 6.04 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 the driver is operating.
- 6.05 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area, and thereafter the driver ~~he~~ shall proceed into the sidewalk area only when the driver can do so without danger to pedestrian traffic and the driver shall yield the right of way to any vehicular traffic on the street into which the driver vehicle is entering.  
(Code of Iowa, Sec. 321.353)
- 6.06 SCHOOL STOPS. At school crossing zones approved by the council, every driver of a vehicle approaching said zone shall bring his or her 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

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thereafter proceed in a careful and prudent manner until the driver shall have passed through such school crossing zone.

(Code of Iowa, Sec. 321.249)

- 6.07 VEHICLES ENTERING YIELD INTERSECTION. The driver of a vehicle approaching a yield sign shall slow to a speed reasonable for the existing conditions, and if required for safety, shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right of way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

(Code of Iowa, Sec. 321.322(2))

- 6.08 SPECIAL YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the foregoing section, at the following intersections if approaching from the directions indicated:

1. CHERRY STREET. Vehicles traveling north on Cherry Street shall yield at Church Street.
2. MAPLE STREET. Vehicles traveling north on Maple Street shall yield at Church Street.
3. MONROE STREET. Vehicles traveling west on Monroe Street shall yield at Maple Street.
4. PARK STREET. Vehicles traveling north or south on Park Street shall yield at Jefferson Street.
5. WASHINGTON STREET. Vehicles traveling on Washington Street shall yield at Maple Street.

- 6.09 YIELD TO PEDESTRIAN. 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 so 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)

## **TITLE IV**

### **CHAPTER 1: TRAFFIC CODE**

#### **ARTICLE 7 – Reserved for Future Use**

This Article is reserved for future use.

## TITLE IV

### CHAPTER 1: TRAFFIC CODE

#### ARTICLE 8 - TRAFFIC CONTROL DEVICES

- 8.01 INSTALLATION. The City Clerk shall cause to be placed and maintained traffic control devices when and as required under the Traffic Code of this 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 this city or under state law, or to guide or warn traffic. The Clerk shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.254, 321.236(2)  
& 321.255)

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

(Code of Iowa, Sec. 372.13(4), 321.236(2) & 321.255)

- 8.03 TRAFFIC LANES. The City Administrator is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require consistent with the traffic code of this 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 & 372.13(4))

- 8.04 STANDARDS. Traffic control devices shall comply with standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways.

- 8.05 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer.

(Code of Iowa, Sec. 321.256)

- 8.06 MOVING OR DAMAGING DEVICE. It is unlawful for any person to move, deface or otherwise damage any sign, signal or other traffic control device placed upon the streets of the City."

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- 8.07 TRAFFIC CONTROL DEVICES. The Council shall establish by the resolution and cause to be placed and maintained, appropriate traffic control devices to indicate parking spaces and zones, no parking zones, safety zones, school zones, hospital zones, quiet zones, traffic zones other than the above, truck routes, school stops, stop intersection, yield right-of-way intersection, one-way streets, streets to be laned for traffic and play streets. The Council shall also have the power by resolution to designate and indicate intersections at which traffic shall be controlled by traffic signals; intersections at which left turns, right turns and U-turns shall be prohibited; intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections.

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#### ARTICLE 9 - LOAD AND WEIGHT REQUIREMENTS

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

(Code of Iowa, Sec. 321.471 & 321.472)

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

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

- 9.03 LOAD LIMITS ON BRIDGES. Where it has been determined by the council, upon engineering advice, 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 City may cause to be posted and maintained, signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

(Code of Iowa, Sec. 321.473)

- 9.04 TRUCK ROUTES. The following shall apply to the movement of trucks upon city streets:

1. THROUGH TRUCKS. Every motor vehicle weighing five (5) tons or more, when loaded or empty, having no fixed terminal within the city or making no scheduled or definite stops within the city for the purpose of loading or unloading shall travel over or upon the following streets within the city and none other:
  - a. OAK STREET, from Highway U.S. 18 to north city limits.
  - b. MADISON STREET, from Oak Street to Main Street.
  - c. ADAMS STREET, from Oak Street to Maple Street.
  - d. JEFFERSON STREET, from Oak Street to Cherry Avenue.



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- e. WASHINGTON STREET, from Oak Street to Main Street.
  - f. DIAGONAL STREET, from Oak Street to 240<sup>th</sup> Street.
2. TRUCKS WITH SCHEDULED STOPS. Any motor vehicle weighing five (5) tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the city for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.
3. OWNER'S RESPONSIBILITY. The owner, or any other person employing or otherwise directing the driver of any vehicle, shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.  
(Code of Iowa, Sec. 321.472)

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#### ARTICLE 10 - PEDESTRIANS

- 10.01 USE SIDEWALKS. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent street.
- 10.02 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, or facing traffic on one-way streets.  
(Code of Iowa, Sec. 321.326)
- 10.03 PEDESTRIAN CROSSING. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.  
(Code of Iowa, Sec. 321.328)
- 10.04 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)

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### CHAPTER 1: TRAFFIC CODE

#### ARTICLE 11 - BICYCLES

11.01 EFFECT OF REGULATIONS. These regulations applicable to bicycles 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))

11.02 TRAFFIC CODE APPLICABLE. 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 this state declaring rules of the road applicable to vehicles or by the traffic code of this city applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle the person shall be subject to all regulations applicable to pedestrians.  
(Code of Iowa, Sec. 234)

11.03 RIDING ON BICYCLES. 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. 234)

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

1. NOT MORE THAN TWO ABREAST. 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.
2. USE PATH WHEN AVAILABLE. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

11.05 RIDING ON SIDEWALKS. No person shall ride a bicycle upon a sidewalk within a business district. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey such signs. 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 such pedestrian.  
(Code of Iowa, Sec. 321.236(10))

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- 11.06 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.  
(Code of Iowa, Sec. 321.236(10))
- 11.07 EMERGING FROM ALLEY OR DRIVEWAY. The operators of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.  
(Code of Iowa, Sec. 321.236(10))
- 11.08 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, in such a manner as to afford the least obstruction to pedestrian traffic.  
(Code of Iowa, Sec. 321.236(10))
- 11.09 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.  
(Code of Iowa, Sec. 321.236(10))
- 11.10 EQUIPMENT ON BICYCLES. No person shall operate a bicycle unless it is equipped with the following equipment:
1. **LAMP**. A bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. 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**. 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. **BRAKE**. A brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.
- 11.11 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.

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- 11.12 FOLLOWING FIRE TRUCK. No person riding a bicycle shall follow a fire truck or other fire equipment, or any other emergency equipment, including an ambulance, first responders, or law enforcement at any time.
- 11.13 IMPROPER RIDING. No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding or otherwise so as to disregard the safety of the operation or others.

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### CHAPTER 1: TRAFFIC CODE

#### ARTICLE 12 - ENFORCEMENT

12.01 ARREST OR CITATION. Whenever a police officer has reasonable cause to believe that a person has violated any provision of this chapter such officer may:

1. IMMEDIATE ARREST. Immediately arrest such person and take such person before a local magistrate.
2. ISSUE CITATION. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety and deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant and retain the fifth copy for the records of the city law enforcement agency.

(Code of Iowa, Sec. 805.6 & 321.485)

12.02 PARKING VIOLATIONS. Admitted violations of any parking restrictions imposed by this chapter may be charged upon a simple notice of a fine in accordance with the following schedule, payable at the office of the clerk of district court.

1. HANDICAPPED PARKING VIOLATIONS. The penalty for violating the handicapped parking provisions in Section 5.10 of this Chapter shall be one hundred dollars (\$100.00).
2. OTHER PARKING VIOLATIONS OF THIS CHAPTER.
  - a. FIRST VIOLATION. Admitted violations of any parking restrictions imposed by this chapter may be charged upon a simple notice of a fine of twenty-five (\$25.00) dollars, payable at the office Clerk of District Court. If such fine is not paid within forty-eight (48) hours, a citation shall be issued as provided above.
  - b. SECOND VIOLATION. For any subsequent violation, within twenty-four (24) hours of the first violation admitted violations of any parking restrictions imposed by this chapter may be charged upon a simple notice of a fine of fifty (\$50.00) dollars payable at the office of Clerk of District Court. If such fine is not paid within forty-eight (48) hours, a citation shall be issued as provided above.

12.03 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of this chapter the driver is not present, the notice of fine or citation as hereinbefore provided shall be attached to the vehicle in a conspicuous place.

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- 12.04 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that the particular vehicle described in the information was parked in violation of this chapter, and the defendant named in the information was the registered owner at the time in question.
- 12.05 IMPOUNDING VEHICLES. A police officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the city, under the circumstances hereinafter enumerated:
1. **DISABLED VEHICLE.** When a vehicle is upon a roadway and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.  
(Code of Iowa, Sec. 321.236(1))
  2. **ILLEGALLY PARKED VEHICLE.** When any vehicle is left unattended upon a street and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.  
(Code of Iowa, Sec. 321.236(1))
  3. **PARKED OVER FORTY-EIGHT HOUR PERIOD.** When any vehicle is left parked upon a street for a continuous period of forty-eight (48) hours or more, a diligent effort shall first be made to locate the owner. If the owner is found he or she shall be given an opportunity to remove the vehicle.  
(Code of Iowa, Sec. 321.236(1))
  4. **SNOW REMOVAL.** When any vehicle is left parked in violation of a ban on parking during a snow removal operation.
  5. **COSTS.** In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing and storage.  
(Code of Iowa, Sec. 321.236(1))
- 12.05 SCHEDULED VIOLATIONS. For violation of the Traffic Code which are designated by Section 805.8 of Code of Iowa to be scheduled violations, the schedule fine for each of those violations shall be specified in Section 805.8 of the Code of Iowa.

## TITLE IV

### CHAPTER 2: STREETS AND ALLEYS

#### ARTICLE 13 - STREET AND ALLEY REGULATIONS

- 13.01 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. 716.6)
- 13.02 INJURING NEW PAVEMENT. It shall be unlawful for any person to willfully 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(2))
- 13.03 PLACING DEBRIS ON STREETS. It shall be unlawful for any person to throw or deposit on any street any glass bottle, glass, nails, 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. 321.369)
- 13.04 REMOVAL OF WARNING DEVICES. It shall be unlawful for a person to willfully remove, throw down, 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 for the purpose of guarding or enclosing unsafe or dangerous places in a highway, street, alley, avenue or bridge without the consent of the person in control.  
(Code of Iowa, Sec. 716.6)
- 13.05 Reserved for Future Use.
- 13.06 DUMPING OF SNOW. It shall be unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of streets so as to obstruct gutters, or impede the passage of vehicles upon the street or to create a hazardous condition, except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the streets temporarily, such accumulation shall be removed promptly by the property owner or his or her 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))
- 13.07 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



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barricades, lights, signs, or flares placed thereon by the authority or permission of any city official, police officer or member of the fire department.

- 13.08 PLAYING IN STREETS. It shall be unlawful for any person to coast, sled or play games on streets or highways except in the areas blocked off by authority of the City Council for such purposes.

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

- 13.09 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 or her own vehicle or equipment when it is lawfully parked in the street.

- 13.10 USE OF STREETS FOR BUSINESS PURPOSES. It shall be unlawful to park, store or place any new or used car or cars, machinery, or any other goods, wares, and merchandise of any kind upon any street for the purpose of storage, exhibition, sale or offering same for sale, without permission of the council.

- 13.11 USE OF PARKINGS. It shall be unlawful to temporarily or permanently park, store, or place, any car, truck, vehicle, junk or any other foods, wares and merchandise of any kind upon any street parking without permission of the council.

- 13.12 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property line 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 in the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs, and picking up litter.

- 13.13 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.

- 13.13 BURNING PROHIBITED. No person shall burn any trash, leaves, and rubbish of other combustible materials in any curb and gutter or on any paved or surfaced street.

- 13.14 DRIVEWAY CULVERTS. The property owner shall, at his or her own expense, install any culvert deemed necessary under any driveway or any other access to his or her property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and in the event he or she fails to do so, the City shall

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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 provided by law.

- 13.14 EXISTING STREET MAINTENANCE. The City of Inwood shall maintain streets up to and not beyond the standards by which they were originally constructed.

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### CHAPTER 2: STREETS AND ALLEYS

#### ARTICLE 14 - NAMING OF STREETS

14.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. EXTENSION OF EXISTING STREET. Streets added to the city that are natural extensions of existing streets shall be assigned the name of the existing street.
2. ORDINANCE. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.
3. CHANGING NAME OF STREET. The council may by ordinance change the name of a street.

(Code of Iowa, Sec. 592.7)

14.02 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.

(Code of Iowa, Sec. 354.26)

14.03 OFFICIAL STREET NAME MAP. Streets within the city are named as shown on the Official Street Name Map, which is hereby adopted by reference and declared to be a part of this article. The Official Street Name Map shall be identified by the signature of the mayor, and bearing the seal of the city under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 14.03 of Title IV of the Municipal Code of Inwood, Iowa.

14.04 REVISION OF STREET NAME MAP. If in accordance with the provisions of this Article, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the amendment has been approved by the governing body with an entry on the Official Street Name Map as follows: "On (date), by official action of the city council, the following change(s) 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 article which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said map.

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### CHAPTER 2: STREETS AND ALLEYS

#### ARTICLE 15 - VACATION AND DISPOSAL

15.01 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 of a street or alley, they may do so in accordance with the provisions of this article.

(Code of Iowa, Sec. 364.12(2a))

15.02 NOTICE OF VACATION HEARING. The council shall cause to be published a notice of public hearing, at which time 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 nor less than 10 days prior to the date set for the hearing.

15.03 FINDINGS REQUIRED. No street or alley, or portion of a street or alley 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)

15.04 DISPOSAL OF 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 of a street or alley, they may do so by resolution following notice and hearing.

(Code of Iowa, Sec. 364.7)

15.05 DISPOSAL BY GIFT LIMITED. The city may not dispose of a vacated street or alley, or portion of a street or alley, by gift except to a governmental body for a public purpose.

(Code of Iowa, Sec. 364.7(3))

#### Editor's Note

The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets and/or alleys and remain in full force and effect.

<u>Ordinance No.</u>	<u>Adopted</u>
95	May 14, 1959
110	December 1, 1975
128	October 12, 1978
184 (Vacating Faber Boulevard In James First Addition)	November 11, 1996

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### CHAPTER 2: STREETS AND ALLEYS

#### ARTICLE 16 - STREET GRADES

- 16.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks which have been established by ordinance are hereby confirmed, ratified and established as official grades.
- 16.02 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 grade and remain in full force and effect.

Ordinance No.  
196

Adopted  
June 11, 2001

Location  
Main Street

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### CHAPTER 2: STREETS AND ALLEYS

#### ARTICLE 17 - SNOW REMOVAL AND STREET CLEANING

17.01 DEFINITIONS. For use in this article, the following terms are defined:

1. "SNOW DAY" shall mean any day of the year that snow falls to an accumulated amount of two inches or more.
2. "SNOW PLOWING" shall mean the pushing of snow by mechanical means from the center of the traveled portion of the street to the outside edges of the traveled portion of the street.
3. "SNOW REMOVAL" shall mean the loading and hauling away of snow from the street right-of-ways.
4. "STREET CLEANING" shall mean the washing, sweeping and loading of dirt and debris from the street by mechanical or manual means.

17.02 SNOW DAYS. On snow days motor vehicle parking shall be restricted on all City streets after new accumulation of two inches (2") or more of snow.

17.05 ENFORCEMENT. When a motor vehicle is parked in violation of the special parking restrictions, the City shall have the vehicle removed. The vehicle shall be towed away at the direction of the City, and the cost of the towing shall be charged to the owner of the vehicle.

17.06 SPECIAL PENALTY. Any person who violates or fails to comply with the provisions of this article shall be guilty of a simple misdemeanor and shall be fined in accordance with the amount set forth in the Inwood Traffic Code for parking violations.

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### CHAPTER 2: STREETS AND ALLEYS

#### ARTICLE 18 - BUILDING NUMBERING

18.01 DEFINITIONS. For use in this article the following shall be defined:

1. "PRINCIPAL BUILDING" shall mean the main building on any lot or subdivision.
2. "OWNER" shall mean the owner of the principal building.

18.02 OWNER REQUIREMENTS. Every owner shall comply with the following building number requirements:

1. **OBTAIN BUILDING NUMBER.** The owner shall obtain the assigned number to his or her principal building from the clerk.  
(Code of Iowa, Sec. 364.12(3d))
2. **DISPLAY BUILDING NUMBER.** The owner shall place or cause to be installed and maintain on the principal building the assigned number in a conspicuous place to the street in figures not less than four (4) inches in height and of a contrasting color with their background.  
(Code of Iowa, Sec. 364.12(3d))
3. **FAILURE TO COMPLY.** If an owner refuses to number a building as provided, or fails to do so for a period of thirty (30) days after being notified in writing by the city to do so, the city may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.  
(Code of Iowa, Sec. 364.12(3h))

18.03 BUILDING NUMBERING MAP. The clerk shall be responsible for preparing and maintaining a building numbering map, in accordance with the following provisions, and filing it in the clerk's office.

1. **DIAGONAL AND CURVED STREETS.** Diagonal and curved streets are classified as east and west or north and south streets depending in which classification their general alignment most nearly conforms.
2. **ODD NUMBERS.** Odd numbers shall be assigned to principal buildings fronting on the west side of streets running north and south and on the south side of streets running east and west.

## TITLE IV

3. EVEN NUMBERS. Even numbers shall be assigned to principal buildings fronting on the east side of streets running north and south and on the north side of streets running east and west.
  4. ASSIGNMENT OF NUMBERS TO PROPERTIES. Each principal building shall be assigned a number in accordance with the provisions of this section. In case there are vacant lots or double lots, numbers shall be reserved to provide for an orderly numbering system when the lots are occupied or divided.
- 18.04 ISSUE NUMBERS. The clerk shall issue the assigned number in accordance with the numbering map to owners upon their request.
- 18.05 ENFORCEMENT. The clerk shall be responsible for enforcing the provisions of this article.



## TITLE IV

### ARTICLE 19 - MAILBOXES

- 19.01 PURPOSE. It has been determined that mailboxes installed along City Streets make snow removal more difficult for city snowplow operators. The purpose of this article is to prohibit mailboxes being installed along city streets.
- 19.02 EXCEPTIONS. Except for Highway No. 182, Highway No. 18, Diagonal Street and Jefferson Street west of Cherry Street, which streets are primarily maintained by entities other than the City of Inwood, and streets maintained by the City of Inwood with curb and gutter, it shall be unlawful for any person to install a mailbox within 15 feet of the City street.
- 19.03 VIOLATION. Each day said mailbox remains installed in the prohibited area, it shall be considered a separate violation.

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### CHAPTER 3: SIDEWALKS

#### ARTICLE 20 - SIDEWALK REGULATIONS

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

1. "SIDEWALK" shall mean all permanent public walks in business, residential or suburban areas.
2. "ESTABLISHED GRADE" shall mean that grade established by this city for the particular area in which a sidewalk is to be constructed. The established grade should not cause drainage problems, and shall be approved by the Public Works Superintendent.
3. "BROOM FINISH" shall mean a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
4. "WOOD FLOAT FINISH" shall mean a sidewalk finish that is made by smoothing the surface of the sidewalk with wooden trowel.
5. "PORTLAND CEMENT" shall mean any type of cement except bituminous cement.
6. "ONE-COURSE CONSTRUCTION" shall mean that the full thickness of the concrete is placed at one time, using the same mixture throughout.
7. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
8. "Sidewalk improvements" means the construction, reconstruction, repair, replacement or removal of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.

20.02 RESPONSIBILITY FOR MAINTENANCE. It shall be the responsibility of the abutting property owners to maintain in a safe and hazard free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

(Code of Iowa, Sec. 364.12(2c))

20.03 FAILURE TO MAINTAIN - PERSONAL INJURIES. If the abutting property owner does not maintain 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 any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the city

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believes that the person notified is liable to it for any judgment rendered against the city, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the city against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the city to the plaintiff in the first named action, and as to the amount of the damage or injury. The city may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the city in the suit.

(Code of Iowa, Sec. 364.14)

- 20.04 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 such 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))

- 20.05 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa.

(Code of Iowa, Sec. 384.38)

- 20.06 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. MATERIAL. Portland cement concrete shall be the only material used in the construction and repair of sidewalks.
2. CONSTRUCTION. Sidewalks shall be of one-course construction.
3. SIDEWALK BASE. Concrete may be placed directly on compact and well drained soil. Where soil is not well drained, a three (3) inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the city.
4. SIDEWALK BED. The sidewalk bed shall be placed so that the surface will be to the established grade at its location.

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5. LENGTH, WIDTH AND DEPTH.
  - a. Residential sidewalks shall be at least four (4) feet wide and four (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 and width.
  - c. Driveways areas shall be not less than four (4) inches in thickness reinforced wire mesh.
6. LOCATION. Residential sidewalks shall be located with the inner edge nearest the abutting private property line, unless the council shall establish a different distance due to circumstances.
7. GRADE. Curb tops shall be on level with the center line 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 when at the curb and not less than one-half (1/2) inch above the curb for each foot between the curb and the sidewalk in residential areas.
9. SLOPE. All sidewalks shall slope 0.25 inch per foot toward the curb.
10. FINISH. All sidewalks shall be finished with a "broom" or "wood 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 inches wide, shall be sloped at not greater than one (1) inch of rise per twelve inches lineal distance, except that a slope no greater than one (1) inch or rise per eight inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically handicapped persons using the sidewalk.

(Code of Iowa, Sec. 601D.9)

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- 20.07 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.
- 21.08 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.
- 21.09 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.
- 20.10 OPENINGS AND ENCLOSURES. It shall be unlawful for a person to:
1. STAIRS AND RAILINGS. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the council.
  2. OPENINGS. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
  3. PROTECT OPENINGS. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.
- 20.11 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.

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- 20.12 AWNINGS. It shall be unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least seven (7) feet above the surface of the street or sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.
- 20.13 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It shall be the responsibility of the abutting property owners to promptly remove from the sidewalks natural accumulations of snow and ice, and to remove accumulations of soil or ice (formed from water flowing onto the walk). If a property owner does not remove natural accumulations of snow or ice or remove the other accumulations within a reasonable time, the city may do so and assess the costs against the property owner for collection in the same manner as a property tax.  
(Code of Iowa, Sec. 364.12(2b,e))
- 20.14 FIRES ON SIDEWALK. It shall be unlawful for a person to make a fire of any kind on any sidewalk.
- 20.15 FUEL ON SIDEWALK. It shall be unlawful for a person to place or allow any fuel to remain upon any sidewalk.
- 20.16 DEFACING. It shall be unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.
- 20.17 DEBRIS ON SIDEWALKS. It shall be unlawful for a person to throw or deposit on any sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or other substance likely to injure any person, animal or vehicle properly using the sidewalk.  
(Code of Iowa, Sec. 364.12(2))
- 20.18 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 a building in the business district be occupied for such purposes.
- 20.19 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 clerk.
- 20.20 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,

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reconstruction or installation will comply with all ordinances and requirements of the City for such work.

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### CHAPTER 4: SNOWMOBILES

#### ARTICLE 21 - GENERAL PROVISIONS

21.01 DEFINITIONS. For us in this article the following terms shall be defined:

1. "SNOWMOBILE" means a motorized vehicle weighing less than one thousand pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight inches or less, or any combination of runners, skis or tread, and is for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle, as defined in section 321I.1, which has been altered or equipped with runners, skis, belt-type tracks, or treads.  
(Code of Iowa, Sec. 321G.1(18))
2. "OPERATOR" shall mean a person who operates or is in actual physical control of a snowmobile.  
(Code of Iowa, Sec. 321G.1(11))
3. "OPERATE" means to ride in or on, other than as a passenger, use or control the operation of a snowmobile in any manner, whether or not the snowmobile is moving.  
(Code of Iowa, Sec. 321G.1(11))
4. "STREET" shall mean a public thoroughfare, roadway, alley, or trail used for motor vehicular traffic including an interstate, state, or county highway.
5. "SHOULDER" shall mean the portion of a street immediately adjacent to the right side of a street which is customarily used only for emergency travel and parking.
6. EMERGENCY CONDITIONS. Operation of a snowmobile on streets in an emergency during the period of time when at locations where snow and ice upon the streets render travel by conventional motor vehicles impractical and unsafe.  
(Code of Iowa, Sec. 321G.9(4a))

21.02 HOURS OF OPERATION & MOST DIRECT ROUTE. No person shall operate a snowmobile on public or private property within the city between the hours of 11:00 p.m. and 6:00 a.m. except when responding to an emergency. When emergency conditions are not present as stated in section 21.01(6) above, then from the hours of 6:00 a.m. and 11:00 p.m. the operation of a snowmobile is permitted on City streets, as long as the operator of the snowmobile takes the most direct or point-to-point route, whether it be from a starting point within the City's Corporate Limits to outside the City, or be it from outside the City to a point or destination within the City. A starting point or point of destination within the City mean one's place of residence or employment. A direct route is not, or in any combination thereof, any two destinations or points within the City. It is expected the operation of snowmobiles within the City will be in a quiet and orderly manner whether on public or private property.



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21.03 AGE OF OPERATION. No minor under 16 years of age and no one who does not hold a valid Iowa driver's license may operate a snowmobile within the corporate limits of the city. Any operator ages 16 and 17 must complete the appropriate snowmobile education class and carry their certificate with them at all times while operating a snowmobile.

21.04 RESTRICTIONS. It is unlawful to operate a snowmobile at any time:

1. WITHIN A PARK. Within a public park in the City.
2. WITHIN SCHOOL PROPERTY. Within a public or private school with the City.
3. WITHIN CHURCH PROPERTY. Within a public or private church with the City.
4. UPON SIDEWALKS. Upon the public sidewalk within the municipal limits of the city, nor upon that portion of the public streets highway commonly referred to as 'parking' or 'terrace' except for the purposes of crossing the same to a public street upon which operation is authorized in this chapter.

21.05 OPERATION ON PUBLIC STREETS. Snowmobiles may be operated upon those public streets not specified in this chapter as restricted within the municipal limits of the city as follows:

1. POINT TO POINT. For the purpose of transportation from a point within the city to the city limits.
2. CROSSING RESTRICTED STREETS. Across restricted public streets or highways as specified in Section 21.04, but only by crossing such streets, or highways in a manner as specified in Section 21.07.

21.06 ADEQUATE SNOW AND ICE COVER. A snowmobile may not be operated within the city on public or private property without adequate snow or ice cover. A snow or ice cover of no less than one tenth of an inch shall be deemed adequate.

21.07 CROSSING OF STREET. A snowmobile may make a direct crossing of a street or highway provided:

(Code of Iowa, Section 321G.9(2))

1. NINETY DEGREE ANGLE. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing; and
2. COMPLETE STOP. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled portion of the street, and

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3. YIELD TO TRAFFIC. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

21.08 REQUIRED EQUIPMENT. All snowmobiles operated within the city shall have the following equipment:

1. MUFFLER. A snowmobile shall not be operated without suitable and effective muffling devices which limit engine noise to not more than 86 decibels and measured on the "A" scale at a distance of 50 feet.
2. HEAD LAMP – TAIL LAMP - BRAKES. Every snowmobile operated from sunset to sunrise shall display a lighted head lamp and tail lamp. Every snowmobile shall be equipped with brakes which conform to standards prescribed by the Director of Transportation.

21.09 UNLAWFUL OPERATION. It shall be unlawful for any person to operate any snowmobile in the city in the manner described:

1. SPEED. At a rate of speed greater than fifteen (15) miles per hour, provided the circumstances are not such that a lesser speed would be prudent.  
(Code of Iowa, Section 321G.13(1a))
2. CARELESS MANNER. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.  
(Code of Iowa, Section 321G.13(1b))
3. UNDER THE INFLUENCE. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.  
(Code of Iowa, Section 321G.13(1c))
4. IMPROPER EQUIPMENT. Without a proper headlight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of 500 feet ahead; or without proper equipment as required by Section 22.08 of this Article.  
(Code of Iowa, Section 321G.13(1d))
5. IN TREE NURSERY. In any tree nursery or planting in a manner which damages or destroys growing stock.  
(Code of Iowa, Section 321 G.13(1e))
6. FIREARMS. With any firearms in/on the vehicle, except in the possession of a peace officer.
7. UNREGISTERED SNOWMOBILE Without having such snowmobile registered as provided for by Iowa law except that this provision shall not apply to the operation of

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a snowmobile on the private property of the owner by the owner or member of his or her immediate family. Snowmobiles being operated without proper registration will be impounded until the time that the owner can produce a proper registration with the cost of the impoundment, including tow fees and storage fees to be paid by the owner.

8. **WITHOUT INSURANCE.** Without having in force at time of operation, a policy of insurance affording coverage for the operation of a snowmobile against liability imposed by law for bodily injury or death and for property damage. The minimum limits of coverage required of an owner shall be \$50,000 for one person who is injured or killed in any once accident and \$100,000 for two or more persons who are injured or killed in one accident. For property damage, the minimum coverage shall be \$25,000. If requested by a peace officer (or other designated city official or employee), an owner or operator of a snowmobile shall present proof within 24 hours that a policy of insurance is currently in force.
9. **RAILROAD RIGHT-OF-WAY.** Upon an operating railroad right-of-way a snowmobile may be driven directly across a railroad right-of-way only at an established crossing and, notwithstanding any other provisions of law, may, if necessary, use this improved portion of the established crossing after yielding to all oncoming traffic. This paragraph does not apply to a law enforcement officer or railroad employee in the lawful discharge of the officer's or employee's duties or to an employee of a utility with the authority to enter upon the railroad right-of-way in a lawful performance of the employee's duties.
10. **DISPLAY OF IDENTIFICATION NUMBERS.** The owner shall display the identification number on the snowmobile in the manner described by the rules established by the Department of Natural Resources Commission.  
(Code of Iowa, Sec. 321G.5)
11. **UNATTENDED.** No operator or owner shall leave or allow a snowmobile to be or remain unattended on public property while the motor is running or with keys in the ignition.
- 21.10 **TOWING.** No item shall be towed by a snowmobile unless coupled to said snowmobile by a rigid tow bar.
- 21.11 **SINGLE FILE.** Snowmobiles shall, only when permitted on the traveled way, be driven in a single file manner in the proper lane of traffic as close to the curb or edge of the roadway as is possible under existing conditions.
- 21.12 **NEGLIGENCE.** The owner and operator of a snowmobile are liable for any injury or damage occasioned by the negligent operation of a snowmobile. The owner of a snowmobile shall be liable for any such injury or damage only if the owner was the operator of the

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snowmobile at the time the injury or damage occurred or if the operator has the owner's consent to operate the snowmobile at the time the injury or damage occurred.

21.13 Section Reserved for Future.

21.14 PRIVATE PROPERTY. Snowmobiles shall not be operated on private property unless the operator has consent or permission from the property owner.

21.15 FINES. Fines for violations of this section will be as follows:

1. All violations covered under the Iowa Compendium of Scheduled Violations and Scheduled Fines will be charged as set out by the State of Iowa.
2. All other violations will be as follows:
  - a. 1st Offence = \$25 fine
  - b. 2nd Offence = \$50 fine
  - c. 3rd Offence = \$100 fine
  - d. Any fine not paid within 72 hours will be forwarded to Magistrate Court and be assessed a 30% surcharge and a \$50 court cost.

\*\*\* The ability to ride snowmobiles in the City is a privilege. "Any" abuse of these privileges shall constitute grounds for revoking of said privileges.

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### CHAPTER 5: ALL-TERRAIN OR OFF-ROAD UTILITY VEHICLES

#### ARTICLE 22 - GENERAL PROVISIONS

22.01 DEFINITIONS. The terms "ATV and ORV" are defined as follows:

1. "All-Terrain Vehicle" or "ATV" means motorized (gasoline powered) vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
2. "OFF-Road Utility Vehicle" or "ORV" means a motorized vehicle with not less than four and not more than eight non-highway tires that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight to not more than 2,000 pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.

22.02 GENERAL REGULATIONS. No person shall operate an ATV or ORV within the City limits of Inwood in violation of the provisions of Chapter 321G and 3211 of the Code of Iowa or rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment and manner of operation. Golf cart operation shall comply with Iowa Code Chapter 321.247.

22.03 OPERATION OF ATVs and ORVs. The operators of ATVs and ORVs shall comply with the following restrictions as to where ATVs and ORVs may be operated within the City:

1. Streets. Permitted ATVs and ORVs may be operated upon streets under the jurisdiction and within the corporate city limits of Inwood. ATVs and ORVs shall not be operated upon any City street which is a primary road extension or state highway through the City, to wit: Iowa Highway 182 and Iowa Highway 18. However, ATVs and ORVs may cross such primary road extensions or highways at the following intersections:
  - a. Jefferson
  - b. Washington
  - c. Adams
  - d. Main Street
2. Trails. ATVs and ORVs shall not be operated on bike trails, walking trails or snowmobile trails except where so designated.

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3. Private Property. ATVs and ORVs may only be operated on private property with the express consent of the owner.
4. Sidewalk or Parking. No ATV or ORV shall be operated upon sidewalks unless engaged in snow removal or maintenance activities, nor shall they be operated upon that portion of the street from the curb to the sidewalk or property line, commonly referred to as the "parking", or any off-street right-of-way, except for the purpose of snow removal, maintenance or landscaping activities.
5. Parks or Other City Land. A permit may be issued for the operation of an ATV or ORV in City parks or other City land for special events authorized by the City Council.
6. Operator License. No personnel shall operate an ATV on the public street of the City without a valid motor vehicle operator's license and who is not either (a) at least 16 years of age and in possession of a valid ATV education certificate issued by the IDNR, or (b) at least 18 years of age. No person shall operate an ORV on the public street of the City without a valid motor vehicle operator's license.
7. Equipment. All ATVs and ORVs shall be equipped according to the following provisions.
  - a. Mufflers. No person shall operate an ATV or ORV that is constructed or altered in a manner that noise emitted from the machine exceeds 96 decibels on the A scale when measured in the manner prescribed in the revised 200805, Society of Automotive Engineers Standard J1287, titled "Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles."
  - b. Headlamp, Trail Lamp, Brakes. Every ATV and ORV except Golf carts shall be equipped with a headlight and tail light which shall remain lighted at all times during operation. Every ATV and ORV shall be equipped with brakes in good working condition. Golf carts shall be equipped with a slow moving vehicle sign and a bicycle safety flag.
8. Traffic Code Observed. Any operator of any ATV or ORV must observe all state and local traffic control regulations and devices and shall not operate an ATV or ORV at a speed in excess of that posted, nor at any time operate an ATV or ORV at a speed greater than is reasonable and proper under the existing conditions.
9. Unattended ATVs or ORVs and Parking. No owner or operator of an ATV or ORV shall leave the ATV or ORV unattended on public property while the motor is running

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or with keys in the ignition switch. Owners and operators of ATVs or ORVs must obey all parking regulations in the City.

10. Registration. The owner or operator of an ATV or ORV must maintain current vehicle registration as required by Iowa law.
- 22.04 NEGLIGENCE. The owner and operator of an ATV or ORV are liable for any injury or damage caused by the negligent operation of the ATV or ORV. The owner of an ATV or ORV shall be liable for any such injury or damage only if the owner was the operator of the ATV or ORV at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV or ORV at the time the injury or damage occurred.
- 22.05 ACCIDENT REPORTS. Whenever an ATV or ORV is involved in an accident resulting in injury or death to anyone or property damage amounting to \$1,500 or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within 48 hours, in accordance with the State law.
- 22.06 HOURS OF OPERATION. ATVs and ORVs shall not be operated between the hours of 10:00 PM and 6:00 AM except for emergency situations or for loading or unloading from a transport trailer, and except that an ATV or ORV may be operated during prohibited hours for snow removal purposes. Golf carts, pursuant to Chapter 321.247, shall only be operated from sunrise to sunset.
- 22.07 TOWING. No items shall be towed by an ATV or ORV unless coupled to said ATV or ORV by a rigid tow bar.

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### CHAPTER 6: GOLF CARTS

#### ARTICLE 23 - GENERAL PROVISIONS

23.01 DEFINITIONS. For use in this article the following terms shall be defined:

1. "GOLF CARTS" shall mean any vehicle with three (3) or more wheels, powered either by electricity or an internal combustion engine, which is used and designed primarily for the transportation of golfers and golf clubs upon golf courses.

23.02 OPERATION OF GOLF CARTS.

1. No person shall operate a golf cart upon the city streets, alleys and right-of-way who does not possess a valid Iowa driver's license, and must be at least 16 years of age.
3. All golf carts shall be equipped with a slow moving vehicle sign and a bicycle flag at least 60" in height when operated on the city streets between sunrise and sunset. Any golf cart operated upon the city streets after sunset and before sunrise shall be equipped with the proper headlamps and rear taillights as prescribed by state law.
3. Any golf cart operated on the city streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the Inwood City Council.
4. Golf carts shall not be operated on the city sidewalks.
5. Any operator of any golf cart must observe all state and local traffic control regulations and devices and shall not operate a golf cart at a speed in excess of that posted, nor at any time operate a golf cart at a speed greater than is reasonable and proper under the existing conditions.
6. PRIVATE PROPERTY. A golf cart may only be operated on private property with the express consent of the owner.
7. Any violation of this ordinance shall be deemed a simple misdemeanor.



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### **TITLE V - BUSINESS, OCCUPATIONS, AND BUILDING REGULATIONS**

## TITLE V

### CHAPTER 1: LIQUOR AND BEER CONTROL

#### ARTICLE 1 - GENERAL PROVISIONS

- 1.01 PURPOSE. The purpose of this chapter is to provide administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer and liquor, for the protection of the safety, morals and general welfare of this community.
- 1.02 DEFINITIONS. Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter 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. "Person of Good Moral Character" shall mean any person who meets all of the following requirements:  
(Code of Iowa, Sec. 123.3(12))
    - a. Has such financial standing and good reputation as will satisfy the commission and the administrator that he or she will comply with the Iowa Beer and Liquor Control Act and all other laws, ordinances and regulations applicable to his or her operations under state law. The administrator shall not require the person to post a bond to meet the requirements of this paragraph.
    - b. Does not possess a federal gambling stamp.
    - c. Is not prohibited by the Code of Iowa from obtaining a liquor license or beer permit.  
(Code of Iowa, Sec. 123.40)
    - 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 his or her conviction of a felony occurred more than five (5) years before the application for a license or permit, and if his or her rights of citizenship have been restored by the Governor, the administrator may determine that he or she is a person of good moral character notwithstanding such conviction.

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- 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, administrators and partners of such person, and to any person who directly or indirectly owns or controls ten (10) percent or more of any class of stock of such person or has an interest of ten (10) percent or more in the ownership or profits of such person. For the purpose of this provision, an individual and his or her spouse shall be regarded as one person.
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(29))
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 ordinances of the city.  
(Code of Iowa, Sec. 123.3(30))
4. "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)
5. "Pharmacy" shall mean a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists or veterinarians are compounded and sold by a registered pharmacist.  
(Code of Iowa, Sec. 123.129)
6. "Hotel or Motel" shall mean a premise licensed by the state department of agriculture 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 twenty-one (21) years of age or more.
8. "Administrator" shall mean the administrator of the division.  
(Code of Iowa, Sec. 123.3(3))
9. "Department" shall mean the alcoholic beverages division of the Iowa Department of Commerce.  
(Code of Iowa, Sec. 123.3(2))

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1.03 STATE LIQUOR STORE LOCATION. No liquor store shall be located within three hundred (300) feet of a public or private educational institution.

1.04 PERSONS UNDER LEGAL AGE

1. 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.

(Code of Iowa, Sec. 123.47 (1))

2. A person or persons under legal age shall not purchase or attempt to purchase or 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, presence and consent of the parent or guardian, for the beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages, wine and beer during the regular course of the person's employment by a liquor control licensee, or wine beer permittee under State laws.

(Code of Iowa, Sec. 123.47 (2))

3. A person who is eighteen, nineteen, or twenty years of age, other than a licensee or permittee, who violates this section regarding the purchase of or attempt to purchase alcoholic liquor, wine, or beer, or possessing or having control of alcoholic liquor, wine, or beer, commits the following:

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

- a. A simple misdemeanor punishable as a scheduled violation under Code of Iowa section 805.8C, subsection 7.
- b. A second offense shall be a simple misdemeanor punishable by a fine of five hundred dollars. In addition to any other applicable penalty, the person in violation of this section shall choose between either completing a substance abuse evaluation or the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.
- c. A third or subsequent offense shall be a simple misdemeanor punishable by a fine of five hundred dollars and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

1.05 PUBLIC CONSUMPTION OR INTOXICATION. It is unlawful for any person to use or consume alcoholic liquors or beer upon the public streets or highways, or alcoholic liquors in any public place, except premises covered by a liquor control license, or to possess or consume alcoholic liquors or beer on any public school property or while attending any

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public or private school related function, and no person shall be intoxicated nor simulate intoxication in a public place. As used in this section "school" means a school or that portion thereof which provides teaching for any grade from kindergarten through grade twelve (12).

(Code of Iowa, Sec. 123.46)

- 1.06 OPEN CONTAINERS IN A MOTOR VEHICLE. Any person driving a motor vehicle or a passenger in a motor vehicle shall not knowingly possess in the motor vehicle upon a public street or highway any open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage or beer with the intent to consume the alcoholic beverage or beer 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 department, utility compartment, console, unlocked portable device, or within the driver or passenger area of the motor vehicle while it is upon a public street or highway is evidence from which the court or a jury may infer that the driver or passenger intended to consume the alcoholic beverage or beer while upon the public street or highway.

(Code of Iowa, Sec. 321.284)

- 1.07 OPEN CONTAINER IN A PUBLIC PLACE. No person shall consume any beer or alcoholic beverage, nor shall any person possess an open or unsealed receptacle containing beer or alcoholic beverage, in any public place or park.

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### CHAPTER 1: LIQUOR, BEER AND WINE CONTROL

#### ARTICLE 2 - BEER AND WINE PERMITS AND LIQUOR LICENSES

- 2.01 LICENSE OR PERMIT REQUIRED. It shall be unlawful for any person to sell, offer or keep for sale alcoholic liquor, wine, or beer without first securing a liquor control license or beer or wine permit in accordance with the provisions of this chapter and state law.  
(Code of Iowa, Sec. 123.2)
- 2.02 NATURE OF LICENSE OR PERMIT. A liquor control license or beer permit or wine permit shall be a purely personal privilege and be revocable for cause. It shall not constitute property nor be subject to attachment and execution nor be alienable nor assignable, and in any case it shall cease upon the death of the permittee or licensee. However, the administrator may in his or her discretion allow the executor or administrator of a permittee or licensee to operate the business of the descendant 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 same.  
(Code of Iowa, Sec. 123.38)
- 2.03 BEER PERMITS - CLASSES. Beer permits shall be classed 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 sales 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)
- 2.04 WINE PERMITS - CLASSES. Wine permits shall be classed as follows:
1. CLASS "A". A class "A" wine permit shall allow the holder to manufacture and sell, or sell at wholesale, wine for consumption off the premises.  
(Code of Iowa, 123.173 & 123.177)
  2. CLASS "B". A class "B" wine permit shall allow the holder to sell wine at retail for consumption off the premises.  
(Code of Iowa, 123.173 & 123.177)

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### 2.05 LIQUOR LICENSES - CLASSES. Liquor control licenses shall be classed as follows:

1. CLASS "A". A class "A" liquor control license may be issued to a club and 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, Section 123.30(3)(a))

2. CLASS "B". A class "B" liquor control license may be issued to a hotel or motel and shall authorize the holder to purchase alcoholic liquors from class "E" liquor control licensees, wine from class "A" wine permittees only, and native wines 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 license shall be effective throughout the premises.

(Code of Iowa, Sec. 123.30(3)(b))

3. CLASS "C". A class "C" liquor control license may be issued to a commercial establishment but must be issued in the name of the individuals who actually own the entire business and 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 patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises.

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(3)(c))

4. 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 premise and to other liquor control licensees. A class "E" license shall not be issued to premises at which gasoline is sold. A holder of a class "E" liquor control license may hold other liquor control licenses, wine or beer permits, but the premises licensed under a class "E" liquor control license shall be separate from other licensed premises,



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though the separate premises may have a common entrance. 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. The division may issue a Class "E" liquor control license for premises covered by a liquor control license or wine or beer permit for on-premise consumption, if the premises are in a county having a population under nine thousand five hundred in which no other class "E" liquor control license has been issued by the division, and no other applicant for a class "E" license has been made within the previous twelve consecutive months.

(Code of Iowa, Section 123.30(3)(e))

- 2.06 APPLICATION. A verified application for the original issuance or the renewal of a liquor control license or a beer permit or 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)

- 2.07 BOND FILED. The application shall be accompanied by the necessary fee and bond, if required, and be filed with the council for approval or disapproval.

(Code of Iowa, Sec. 123.32 & 123.127)

1. LIQUOR CONTROL LICENSE. Upon posting bond in the penal sum of \$5,000.00, and conditioned upon the payment of all taxes payable to the state under the provisions of the Iowa beer and liquor control act and compliance with all provisions of the act.

(Code of Iowa, Sec. 123.30(1))

2. BEER PERMIT AND WINE PERMIT. With class "B" and "C" beer permits, or class "A" and "B" wine permits, upon posting bond in the penal sum of \$500.00, and conditioned upon the faithful observance of the Iowa beer and liquor control act.

(Code of Iowa, Sec. 123.128&123.129)

- 2.08 CONDITIONS FOR APPROVAL. No liquor control license or beer or wine permit shall be approved unless:

1. CHARACTER OF APPLICANT. The applicant is a person of good moral character as defined by this chapter 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 this chapter.

(Code of Iowa, Sec. 123.30(1))

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2. **RIGHT OF ENTRY.** The applicant gives consent in writing on the application that members of the fire and police departments may enter upon the premises without warrant to inspect for violations of the provisions of state law and of this chapter.  
(Code of Iowa, Sec. 123.30(1))
3. **ACCESS TO RESIDENTIAL OR SLEEPING QUARTERS.** No interior access or 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 zoning regulations.  
(Code of Iowa, Sec 123.128(1b))
5. **SEATING CAPACITY.** 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))
6. **CONFORM TO APPLICABLE LAWS.** The premises conform to all applicable laws, ordinances, resolutions, and health and fire regulations.  
(Code of Iowa, Sec. 123.30(2) &  
123.127(2))
- 2.09 **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)
- 2.10 **SEPARATE LOCATIONS.** Every person holding a class "B" or class "C" beer permit or class "A" or "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)
- 2.11 **INVESTIGATION.** Upon receipt of an original application for a liquor license or beer or wine permit by the clerk, it shall be forwarded to any peace officer 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 officer.

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(Code of Iowa, Sec. 123.30(1))

2.12 LICENSE AND PERMIT FEES. The following fees shall be submitted with the respective application:

1. CLASS "B" BEER. For a class "B" beer license the annual fee shall be:
  - a. Without Sunday sales privileges . . . . . \$100.00
  - b. With Sunday sales privileges . . . . . \$120.00  
(Code of Iowa, Sec. 123.134(2&5))
2. CLASS "C" BEER. For a class "C" beer permit the annual fee shall be graduated on the basis of the amount of interior floor space which comprises the retail sales area of the premises covered by the permit, as follows:
  - a. Up to one thousand five hundred square feet . . . . . \$75.00  
(Code of Iowa, Sec. 123.134(3))
  - b. A Sunday sales permit will increase the fee by 20%.  
(Code of Iowa, Sec. 123.134(5))
3. CLASS "A" WINE. For a class "A" wine permit the annual fee is \$750.00.  
(Code of Iowa, Sec. 123.179(1))
4. CLASS "B" WINE. For a class "B" wine permit the annual fee is \$500.00.  
(Code of Iowa, Sec. 123.179(2))
5. CLASS "A" LIQUOR. For a class "A" liquor control license the annual fee shall be:
  - a. Club, less than 250 members:  
without Sunday sales privileges.....\$400.00  
with Sunday sales privileges.....\$480.00
  - b. Club, which is a post, branch or chapter of a veterans organization chartered by the Congress of the United States, if such club does not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week, and if the application for a license states that such club does not and will not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week:  
without Sunday sales privileges.....\$200.00

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with Sunday sales privileges.....\$240.00  
(Code of Iowa, Sec. 123.36(2))

6. CLASS "B" LIQUOR. For a class "B" liquor control license the annual fee shall be:
  - a. License not including Sunday sales.....\$800.00
  - b. The fee is 20% more for Sunday sales.  
(Code of Iowa, Sec. 123.36(3))
7. CLASS "C" LIQUOR. For a class "C" liquor control license the annual fee shall be:
  - a. License not including Sunday Sales.....\$600.00
  - b. The fee is 20% more for Sunday sales.  
(Code of Iowa, Sec. 123.36(4,6))
8. CLASS "E" LIQUOR. For a class "E" liquor license, the annual fee is a sum of not less than \$750.00, and not more than \$7,500.00 as determined on a sliding scale as established by the division taking into account the factors of square footage of the licensed premises, the location of the licensed premises and the population of the area of the location of the licensed premises.  
(Code of Iowa, Sec.123.36(9))
- 2.13 SURCHARGE. There is imposed a surcharge on the fee for each class "A", "B" or "C" liquor license equal to 30% of the scheduled license fee to be collected and deposited as provided in the Code of Iowa.  
(Code of Iowa, Sec.123.36(10))
- 2.14 SEASONAL PERMITS. Six (6) or eight (8) month seasonal licenses or beer permits may be issued for a proportionate part of the license or permit fee. No seasonal license or permit shall be renewed except after a period of two (2) months. Seasonal licensing shall be only as permitted by state law.  
(Code of Iowa, Sec. 123.34(1))
- 2.15 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))

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- 2.16 EXPIRATION. All liquor control licenses and beer permits, unless sooner suspended or revoked, shall expire one year from date of issuance.

(Code of Iowa, Sec. 123.34(1))

- 2.17 REFUNDS. Any such licensee or permittee, or his or her executor, 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 his or her creditors, may voluntarily surrender such license or permit to the department and shall notify the city, and the department and the city, or the city by itself in the case of a retail beer or wine permit, shall refund to the person so surrendering the license or permit a proportionate amount of the fee paid for such license or permit as follows:

1. **BEFORE THREE MONTH PERIOD.** If surrendered during the first three (3) months of the period for which said license or permit was issued the refund shall be three-fourths of the amount of the fee.
2. **SIX MONTH PERIOD.** 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. **SIX - NINE MONTH PERIOD.** 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.
4. **AFTER NINE MONTH PERIOD.** No refund shall be made, however, for a liquor control license or beer or wine permit surrendered more than nine (9) months after issuance.
5. **SUNDAY SALES.** No refund will be given on the Sunday Sales portion of a license or permit fee.
6. **COMPLAINT FILED.** No refund shall be made to any licensee or permittee, upon the surrender of his or her license or permit, if there is at the time of said surrender a complaint filed with the department or the city, charging him or her with a violation of this chapter or provisions of the Iowa beer and liquor control act.
7. **HEARING ON COMPLAINT.** If upon hearing on any such complaint the license or permit is not revoked or suspended, then the licensee or permittee shall be eligible, upon surrender of his or her license or permit, to receive a refund as herein provided. But if his or her license or permit is revoked or suspended upon such hearing he or she shall not be eligible for the refund of any portion of his or her license or permit fee.

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8. SEASONAL LICENSES OR PERMITS. No refund shall be made for seasonal licenses or permits.

(Code of Iowa, Sec. 123.38)

- 2.18 TRANSFERS. The council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the city, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and such transfer will not result in the violation of any law or ordinance. An applicant for such a transfer shall file with the application a transfer fee in the amount of (\$15.00 or \$25.00).

(Code of Iowa, Sec. 123.38)

- 2.19 SIMPLIFIED APPLICATION FOR RENEWAL. Upon receipt of an application for the renewal of a liquor license or beer permit, it shall be forwarded to the Lyon County Sheriff's Department, who shall verify that the qualifications have not changed from the original application, and give a recommendation to the council as to the approval of the license or permit.

(Code of Iowa, Sec. 123.35)

- 2.20 PROHIBITED SALES AND ACTS. No person or club holding a liquor license or beer or wine permit nor the person's agents or employees shall do any of the following:

1. INTOXICATED PERSONS. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor or beer.

(Code of Iowa, Sec. 123.49(1))

2. HOURS OF OPERATION. Sell or dispense any alcoholic liquor or beer on the premises covered by the license or permit, or permit the consumption thereon, between the hours of two a.m. and six a.m. on any weekday and between the hours of two a.m. and noon on Sunday and ten p.m. on Sunday and six a.m. on the following Monday.

(Code of Iowa, Sec. 123.49(2b))

3. CREDIT SALES. Sell alcoholic beverages, wine, or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests, nor to retail sales by the managing entity of a convention center, civic center, or events center.

(Code of Iowa, Sec. 123.49(2c))

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4.     **EMPLOYMENT OF MINORS.** Employ any person under 18 years of age in the sale or serving of alcoholic liquor or beer for consumption on the premises where sold.  
          (Code of Iowa, Sec. 123.49(2f))
5.     **SELLING TO MINORS.** Sell, give, or otherwise supply any alcoholic beverage, wine, or beer to any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, or permit any person, knowing or failing to exercise reasonable care to ascertain whether the person is 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 permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer or any other beverage in or about his or her place of business.  
          (Code of Iowa, Sec. 123.49(2i))
7.     **SOLICITING AND DISORDERLY CONDUCT.** Knowingly permit any gambling, except in accordance with Code of Iowa Chapter 99B, 99D, 99F, or 99G, or knowingly permit any solicitors for unusual purposes, or immoral or disorderly conduct on the premises covered by the license or permit.  
          (Code of Iowa, Sec. 123.49(2a))
8.     **BEER BRAND SIGNS PROHIBITED.** Permit any signs or other matter advertising any brand of beer to be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell beer at retail.  
          (Code of Iowa, Sec. 123.51)
9.     **NUDE CONDUCT PROHIBITED.** Cause, permit, procure, counsel or assist any person who is acting as a waiter, waitress, host, hostess, dancer, or entertainer on the licensed premises to:
  - a.     Expose his or her genitals, pubic hair, buttocks, perineum, anus region, or pubic hair region; or,
  - b.     Expose or wear any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anus region, or pubic hair region; or
  - c.     Expose any portion of the female breast at or below the nipple thereof, or
  - d.     Allows or permits any person to remain in or upon the place of business who exposes to public view the person's genitals, pubic hair, or anus.

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- e. Advertises that any activity prohibited by this section is allowed or permitted in such place of business.
- f. If such person allows or permits a minor to engage in or otherwise perform in a live act intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

For purposes of this subsection a person shall be deemed a waiter, waitress, host, hostess, dancer, or entertainer if such person acts in that capacity without regard to whether such person is paid any compensation by the liquor control licensee or beer permittee, his or her agent or employee.

The provisions of this section 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 in which any of the circumstances contained in this section were permitted or allowed as part of such art exhibits or performances.

(Code of Iowa, Sec. 728.5)

Any person who violates any of the provisions of Code of Iowa Section 123.49, except subsection 2, paragraph "h", shall be guilty of a simple misdemeanor. A person who violates section 123.49, subsection 2, paragraph "h", commits a simple misdemeanor punishable as a scheduled violation under section 805.8C, subsection 2.

2.21 OPTIONAL SUSPENSION OR REVOCATION. Following a written notice and hearing, as provided by this article, a liquor license or beer or wine permit may be suspended by the council for a period up to one year for violations of the municipal code, or suspended for a period up to one year or revoked by the council for any of the following causes:

(Code of Iowa, Sec. 123.39)

1. **MISREPRESENTATION.** Misrepresentation of any material fact in the application for such license or permit.

(Code of Iowa, Sec. 123.39(1))

2. **VIOLATIONS.** Violations of any of the provisions of the Iowa beer and liquor 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 beer permit which change was not previously reported to and approved by the city and the division.

(Code of Iowa, Sec. 123.39(3))



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4. ORIGINAL DISQUALIFICATIONS. Any event which would have resulted in disqualification from receiving such license or permit when originally issued.  
(Code of Iowa, Sec. 123.39(4))
5. SALE OR TRANSFER. Any sale, hypothecation or transfer of such 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. CONVICTION OF PROHIBITED SALE OR ACT. The conviction of any liquor control licensee or beer or wine permittee for a violation of any of the provisions of section 2.20 shall, subject to section 2.22, be grounds for the suspension or revocation of the license or permit by the division or the City. However, if any liquor control licensee is convicted of any violation Code of Iowa 123.49, subsection 2, paragraph "a", "d" or "e", of that section, or any wine or beer permittee is convicted of a violation of paragraph "a" or "e" 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, if any, of the license or permit holder shall be forfeited to the division.

2.22 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, beer or wine permittee, or employee of such licensee or permittee is convicted of a violation of section 2.20(5) or a retail beer permittee is convicted of a violation of subsection 6 of said section, the City shall, in addition to the other penalties fixed for such violations by this article, assess a penalty as follows:
  - a. A first violation shall subject the licensee or permittee to a civil penalty in the amount of five hundred dollars (\$500.00). Failure to pay the civil penalty as ordered under Code of Iowa, Section 123.39 shall result in automatic suspension of the license or permit for a period of fourteen days.  
(Code of Iowa, Sec. 123.50(3a))

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- b. A second violation within two years shall subject the licensee or permittee to a thirty-day suspension and a civil penalty in the amount of one thousand five hundred dollars (\$1,500).  
(Code of Iowa, Sec. 123.50(3b))
  - c. A third violation within three years shall subject the licensee or permittee to a sixty-day suspension and a civil penalty in the amount of one thousand five hundred dollars (\$1,500).  
(Code of Iowa, Sec. 123.50(3c))
  - d. A fourth violation within three (3) years shall result in revocation of the license or permit.  
(Code of Iowa, Sec. 123.50(3d))
  - e. For purposes of this subsection:
    - (1) The date of any violation shall be used in determining the period between violations.
    - (2) Suspension shall be limited to the specific license or permit for the premises found in violation.
    - (3) Notwithstanding section 123.40, revocation shall be limited to the specific license or permit found in violation and shall not disqualify a licensee or permittee from holding a license or permit at a separate location.
2. In addition to any other penalties imposed under this chapter, the division shall assess a civil penalty up to the amount of five thousand dollars upon a class "E" liquor control licensee when the class "E" liquor license is revoked for a violation of section 123.59. Failure to pay the civil penalty as required under this subsection shall result in forfeiture of the bond to the division.
- 2.23 DEPARTMENT NOTIFIED. When the city council revokes or suspends a liquor license or beer or wine permit, the alcoholic beverages division of the Iowa Department of Commerce shall be given written notice thereof stating the reasons for the revocation or suspension and the length of same.
- 2.24 APPEAL TO STATE AND COURT. The right of appeal to the hearing board shall be afforded a liquor control licensee or beer or wine permittee whose license or permit has been suspended or revoked. Any applicant who feels aggrieved by a decision of the administrator or city disapproving, suspending or revoking issuance of a liquor control license or beer permit may appeal pursuant to the Iowa Administrative Procedures Act. A city may appeal a decision of the hearing board as provided by statute.

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(Code of Iowa, Sec. 123.32(4&5))

- 2.25 EFFECT OF REVOCATION. Any liquor control licensee or beer or wine permittee whose license or permit is revoked under the Iowa beer and liquor control act shall not thereafter be permitted to hold a liquor control license or beer or wine permit in the state of Iowa for a period of two (2) years from the date of such revocation. The spouse and business associates holding ten (10) percent 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 or beer or wine permit, and no liquor control license 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 such revocation. In the event a license or permit is revoked, the premises which have been covered by such license or permit shall not be relicensed for one year.

(Code of Iowa, Sec. 123.40)

- 2.26 HEARING ON SUSPENSION OR REVOCATION. The council shall conduct a hearing on each suspension or revocation in the following manner:

1. NOTICE. The permit holder, and the surety on his or her bond, shall be served with written notice containing a copy of the complaint against him or her, 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 present, the purpose of which is to determine the truth of the facts alleged in the complaint. Should the permit holder or his or her 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 his or her 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 judgment in the criminal action before conducting the revocation or temporary suspension hearing required by this section. Neither a conviction nor an acquittal in the criminal action

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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 fact 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 chapter or state law.

## TITLE V

### CHAPTER 2: CIGARETTE PERMITS

#### ARTICLE 3 - GENERAL PROVISIONS

3.01 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 any other ingredient, where such roll has a wrapper or cover made of paper or any other material. Provided the definition herein shall not be construed to include cigars.

(Code of Iowa, Sec. 453A.1(3))

2. "Retailer" shall mean and include every person in this state who shall sell, distribute, or offer for sale for consumption or possess for the purpose of sale for consumption, cigarettes irrespective of quantity or amount or the number of sales.

(Code of Iowa, Sec. 453A.1(21))

3. "Place of Business" is construed to mean and include any place where cigarettes are sold or where cigarettes are stored within or without the State of Iowa by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business.

(Code of Iowa, Sec. 453A.1(19))

4. "Tobacco Products" means the following: cigars, little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff, snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in pipe or otherwise, or both chewing and smoking, but does not mean cigarettes.

(Code of Iowa, Sec. 453A.1(26))

3.02 PERMIT REQUIRED. No retailer shall sell, distribute, 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.

(Code of Iowa, Sec. 453A.13(1&10))

3.03 APPLICATION. A completed application on forms provided by the State Department of Revenue and accompanied by the fee provided in Section 3.04 shall be filed with the clerk. Renewal applications shall be filed at least 5 days prior to the last regular meeting of the

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council in June. If a renewal application is not timely filed, and special council meeting is called to act on the application the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13(5&9))

- 3.04 FEES. The fee for issuing or renewing a cigarette permit shall be as follows:

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

1.	For permits issued or renewed during:	Fee:
	July, August, or September	\$75.00
	October, November, or December	\$56.25
	January, February, or March	\$37.50
	April, May, or June	\$18.75

- 3.05 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, and shall certify its action in issuing a permit to the State Department of Revenue.

Upon proper application, approval by Council and payment of the required fee, a permit shall be issued to the applicant. Each permit issued shall clearly describe the place of business for which it is issued

(Code of Iowa, Sec. 453A.13(2))

- 3.06 DISPLAY. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public.

(Code of Iowa, Sec. 453A.13(2))

- 3.07 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 or her place of business, the council, if it decides to issue a new permit to him or her, 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.

- 3.08 EXPIRATION. Permits expire on June 30 of each year.

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

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- 3.09 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(4))

- | 1. Permits surrendered during: | Amount of refund: |
|--------------------------------|-------------------|
|--------------------------------|-------------------|

July, August, or September	\$56.25
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October, November, or December	\$37.50
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January, February, or March	\$18.75
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- 3.10 REVOCATION. The council, after notice and hearing, shall revoke a permit if it finds the retailer has substantially violated the provisions of this chapter or the Code of Iowa, or if grounds exist that would be sufficient for refusal to issue such a permit. The clerk shall give ten (10) days written notice to the retailer by mailing a copy of the notice by certified mail to the place of business as it appears on his or her application for a permit. The notice shall state the reason for the contemplated revocation and the time and place at which he or she may appear and be heard. The hearing shall be held at the regular meeting place of the council.

(Code of Iowa, 453A.22(1))

- 3.11 RENEWAL AFTER REVOCATION. Upon revocation, no new permit shall be issued to the retailer or for the place of business for one year from the date of revocation unless good cause to the contrary is shown the council.

(Code of Iowa, 453A.22(3))

- 3.12 PERSONS UNDER THE LEGAL AGE. No person shall sell, give or otherwise supply tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine.

(Code of Iowa, Sec. 453A.2 & 453A.36(6))

- 3.13 PERMIT SUSPENSION & REVOCATION. If a retailer or employee of a retailer has violates the provisions of 3.12 of this Chapter, the Council shall, after written notice and hearing, and in addition to the standard penalty, assess the following:

- a. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars. Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen days.
- b. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars or the retailer's

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permit shall be suspended for a period of thirty days. The retailer may select its preference in the penalty to be applied under this paragraph.

- c. For a third violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars and the retailer's permit shall be suspended for a period of thirty days.
- b. For a fourth violation within a period of three (3) years the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars and the retailer's permit shall be suspended for a period of sixty days.
- c. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard

(Code of Iowa, 453A.22(1))



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### CHAPTER 3: LICENSING

#### ARTICLE 4 - SPECIAL REQUIREMENTS

4.01 COMPLIANCE. Every person who is granted a license under the terms of this chapter shall comply with the following regulations that apply in his or her case.

4.02 HOUSEMOVERS. "Housemover" shall be defined as any person who undertakes to move a building or similar structure upon, over or across the public streets, alleys, or walks, property using skids, jacks, dollies, or any method other than upon a properly licensed motor vehicle. The following shall apply to the license for housemovers:

1. APPLICATION. An application for housemover's license shall describe the present location and the future site of the building or similar structure to be moved. A Ten Dollar (\$10.00) license fee shall be submitted at the time of filing of application.
2. BOND. The applicant shall post with the city clerk a penal bond in the sum of \$1,000 with good and sufficient sureties approved by the clerk. The bond shall guarantee the licensee's payment for any damage done to the city or to the public property in the course of moving the building or similar structure.
3. INSURANCE. The applicant shall show evidence that he or she is carrying public liability insurance. The sureties on the bond shall be approved by the city clerk and the bond shall guarantee the licensee's payment for personal injuries or property damage caused by him/her or his/her agents or employees in the course of the moving operations in the following amounts:
  - a. Bodily Injury - \$50,000 per person; \$100,000 per incident;
  - b. Property Damage - \$50,000 per incident
4. ROUTE. The applicant shall file with the clerk a routing plan approved by the City Administrator. The City Administrator shall approve the shortest route compatible with the greatest public convenience and safety.
5. FLAGMEN AND WARNING SIGNS. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the licensee shall maintain flagmen at the closest intersections or other possible

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channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the licensee shall maintain adequate warning signs or flares at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

6. **TIME LIMIT.** No housemover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured written approval by the city.
7. **REMOVAL BY CITY.** In the event any building or similar structure is found to be in violation of Title V Section 4.02(6) of this code the city is authorized to remove such building or structure and assess the costs thereof against the license holder and the surety of his or her bond.

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### CHAPTER 3: LICENSING

#### ARTICLE 5 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

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

1. "Peddler" shall mean any person carrying goods or merchandise or who sells or offers to sell for immediate delivery such goods or merchandise from house-to-house or upon the public street.
2. "Solicitor" shall mean any person who solicits or attempts to solicit from house-to-house or upon the public street an 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.

5.02 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in this city without first obtaining a license as herein provided shall be in violation of this ordinance.

5.03 EXEMPTIONS. The following groups or persons shall be exempt from the provisions:

1. Newspaper carriers.
2. Members of local Boy Scout, Girl Scout, Campfire Girls, 4-H Clubs, Future Farmers of America and similar organizations.
3. Farmers who offer for sale products of their own raising.
4. Students representing a local School District conducting projects sponsored by organizations recognized by the school.
5. Milk Delivery Person who only incidentally solicit additional business or make special sales.
6. Persons customarily calling on businesses of institutions for the purpose of selling products for resale or institutional use.

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- 5.04 RELIGIOUS AND CHARITABLE ORGANIZATIONS EXEMPT. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of Section 5.05 - 5.13 of this ordinance. All such organizations shall be required to submit in writing to the city 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 for his or her efforts and the amount thereof. If the city clerk shall find that the organization is a bona fide charity or religious organization he or she shall issue, free of charge, a license containing the above information to the applicant.
- 5.05 APPLICATION. An application for registration in writing shall be filed with the city clerk for registration under this chapter. Such application shall set forth the applicant's name, permanent and local address, business address, if any, physical description and recent photograph. The application shall include a copy of a driver's license or state issued photo identification card, the applicant's employer, if any, and the employer's address, the nature of the activities to be engaged in by the applicant in the city, a description of the goods, wares or merchandise to be offered, a description of the last three (3) preceding cities in which the applicant conducted the same or similar activities, the period of time for which registration is desired, a statement as to whether or not the applicant has ever been convicted of a felony or a misdemeanor involving moral turpitude and, if so, the nature of the offense and the penalty imposed; and a description of any motor vehicles to be used by the applicant (including make, model, year, color and registration number). A fee of ten dollars (\$10.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein and administration.
- 5.06 BOND REQUIRED. Before a license under this chapter shall be issued, each applicant shall post a bond of one thousand dollars (\$1,000) with the clerk to the effect that the registrant and the surety company shall consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary: (1) to indemnify the city for any penalties or costs occasioned by the enforcement of this ordinance and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with such registrant's peddling or solicitation. Said bond shall not be retired until after a lapse of one year from the expiration of the license which it covers.
- 5.07 AGENT FOR SERVICE OF PROCESS. Before the license is issued the applicant shall first sign an appointment naming the clerk as agent of the licensee for service of process in the event of claim or litigation against such registrant arising out of or in connection with an peddling or solicitation,

## TITLE V

5.08 FEES. Every licensee shall pay the following fee before a license shall be issued:

1. PEDDLERS:

- |    |                                    |          |
|----|------------------------------------|----------|
| a. | For one day or any part thereof    | \$5.00   |
| b. | For one week                       | \$25.00  |
| c. | For up to six months               | \$100.00 |
| d. | For one year or major part thereof | \$175.00 |

2. SOLICITORS:

- a. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal solicitor of \$10.00 per year shall be charged.

5.09 LICENSE ISSUED. Upon receipt of the application and the required application fee, the clerk, with the assistance of the Lyon County Sheriff's Department, shall investigate the application. If the statements contained in the application are found to be true and correct, the clerk shall issue a registration certificate to the applicant conforming to the application. However, the clerk shall not approve a registration under any of the following circumstances:

- A. The applicant is found to have been convicted of a felony or a misdemeanor involving moral turpitude.
- B. The application is determined to contain any false statement or information.
- C. The activities of the applicant as a solicitor, peddler or transient merchant have been the subject of complaints by citizens in this city or in other cities where the applicant has conducted business; which complaints cannot be shown to have been resolved or explained to the satisfaction of the city clerk.

If the clerk finds the application is completed in conformance with this chapter and the facts stated therein to be correct, the required bond is posted and the license fees are paid, a license shall be issued.

5.10 DISPLAY. Each solicitor or peddler shall at all times while doing business in this city keep in his or her possession the license provided for in this article, and shall, upon the request of prospective customers, exhibit the license as evidence that he or she has complied with all requirements of this chapter. Each transient merchant shall display publicly his or her license in his or her place of business.

## TITLE V

- 5.11 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.
- 5.12 REBATES. On surrender of any license before the expiration of the full period for which it was issued, the licensee may apply for a rebate of the fee from the clerk. Determination of the amount of the rebate shall be made by deducting from the fee paid the amount payable when computed on a monthly, weekly and daily basis from the first day the license was issued. The balance, if any, shall be refunded.
- 5.13 EXPIRATION. All licenses granted under this chapter shall expire at 6:00 p.m. of the last day for which the license is issued.
- 5.14 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the state law, section 82.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to which he or she sells a product or service and, comply with the other requirements of the law.
- 5.15 TIME RESTRICTION. All peddlers and solicitor's licenses shall provide that said licenses shall be in force and effect between the hours of 8:00 A.M. and 6:00 P.M.
- 5.16 REVOCATION. The clerk, after notice and hearing, may revoke any license issued under this chapter for the following reasons:
1. FRAUDULENT STATEMENTS. The licensee has made fraudulent statements in his or her applications for the license or in the conduct of his or her business.
  2. VIOLATION OF LAW. The licensee has violated this chapter or has otherwise conducted business in an unlawful manner.
  3. ENDANGERED PUBLIC WELFARE. The licensee has conducted business in such a manner as to endanger the public welfare, safety, order or morals.
- 5.17 NOTICE. The license holder, and the surety on his or her bond shall be served with written notice containing particulars of the complaints against him or her, the ordinance provisions or state statutes allegedly violated, and the time, date, and place for hearing on the matter.
- 5.18 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 his or her authorized representative, fail to appear without good cause the council may proceed to a determination of the complaint.

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- 5.19 RECORD AND DETERMINATION. The clerk shall make and record findings of fact and conclusion of law, and shall revoke a license only when upon review of the entire record they find clear and convincing evidence of substantial violation of this chapter or state law.
- 5.20 APPEAL. If the clerk revokes, or refuses to issue, a license they shall make a part of the record the reasons therefore. The licensee, or the applicant, shall have a right to a hearing before the council at it's next regular meeting. The council may reverse, modify, or affirm the decision of the clerk my a majority vote of the council members present and the clerk shall carry out the decision of the council.
- 5.21 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.

## **TITLE VI**

### **CHAPTER VI - BUILDING REGULATIONS**



## TITLE VI

### CHAPTER 1: UNSAFE BUILDINGS

#### ARTICLE 1 - GENERAL PROVISIONS

- 1.01 BUILDING OFFICIAL. The mayor shall be responsible for the enforcement of this ordinance. The council may either appoint a person to be the building official or designate some other officer to carry out the duties of the building official.
- 1.02 GENERAL, DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this ordinance, the city building code or any other ordinance, are, for the purpose of this ordinance, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in sections 1.03, 1.04, 1.05 and 1.06 below.

"Unsafe building" shall mean any structure or mobile home meeting any or all 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 so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of 20 lb. per sq. ft.
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 winds, snow, 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 partially or completely collapse.
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.

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6. Whenever the exterior walls or other vertical structural members 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-third of the base.
  7. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, 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 as to (c) enable persons 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 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 Marshall, or city fire chief, or City building inspector to be a fire hazard.
  11. Whenever any building or structure is in such a 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 remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
- 1.03 NOTICE TO OWNER. The building official shall examine, or cause to be examined, every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this ordinance, the building official shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from date of notice, unless otherwise stipulated by the building official. If necessary, such notice shall

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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 official.

Such notice shall be served in the manner provided for service of original notice of the Iowa Rules of Civil Procedure upon the owner of record, if he or she shall be found within the city limits. If he or she is not found within the city limits, such service may be made upon said owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the building official shall begin as of the date he or she receives such notice. 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, and such request shall be made at least 3 days before the deadline set in the notice if less than 15 days was set, and at least 10 days if over 21 days was set.

- 1.04 POSTING OF SIGNS. The building official shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. Building Department, City of Inwood." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed except for the purposes of making the required repairs or of demolishing the building.
- 1.05 RIGHT TO DEMOLISH. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said 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 official to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the council.
- 1.06 PENALTIES AND REMEDIES:
  1. Costs incurred under Section 1.05 above shall be paid out of the city treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be collected in the manner provided for taxes in Section 364.12(3)(h), Code of Iowa.
  2. The City may also collect all associated abatement expenses in a Court of Small Claims.
  3. The City may institute civil proceedings to obtain injunctive and declaratory relief or such orders of the court as are reasonable and proper to abate practices, conditions or circumstances found to be contrary to or prohibited by the provisions of this Chapter.

## **TITLE VI**

4. Any violation of the provisions of this Chapter shall also constitute a Municipal infraction.

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### CHAPTER 2: FIRE LIMITS

#### ARTICLE 2 - GENERAL PROVISIONS

- 2.01 FIRE LIMITS ESTABLISHED. The fire limits (Fire Zone No. 1) are established to include the all territory within the following boundaries:

Beginning at the point where the south line of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way intersects with the west line of Oak Street thence westerly along the southerly line of said right-of-way to the east line of Cherry Street; thence north to the south line of Jefferson Street; thence east to the point where the former railroad right-of-way intersects Jefferson Street; thence southerly along to a point opposite the alley in Block 8; thence north along the east side of said alley to the south line of Church Street; thence east to the west line of the alley in Block 1; thence south to the former railroad right-of-way; thence east to the west line of Oak Street; thence south to the point of beginning.

- 2.02 PLANS SUBMITTED. It shall be unlawful to build, enlarge or alter any wall, structure, building or part thereof, within the fire limits, until a plan of the proposed work, together with a statement of materials to be used shall have been submitted to the building inspector or mayor etc., who if the proposal is in accordance with the provisions of the building code, shall issue a permit for the proposed work.
- 2.03 BUILDINGS PROHIBITED. The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial rebuilding, are prohibited in the fire limits, unless constructed in strict compliance with the provisions of the city building code for Fire Zone No. 1.
- 2.04 SPECIAL PERMIT. The council may, by four-fifths vote, issue a special permit to improve any property within the fire limits contrary to the provisions of this chapter, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard, according to the rules of the Iowa Insurance Service Bureau.
- 2.05 MOVING BUILDINGS. The removal of any building not constructed in accordance with the provisions of this chapter, from without to within the fire limits or from any part of the fire limits to any other place therein is prohibited.
- 2.06 RECONSTRUCTION PROHIBITED. Any building within the fire limits, not constructed in accordance with the provisions of this chapter, which may hereafter be damaged by fire, decay, or otherwise, to the extent of fifty percent (50%) of its value, shall not be repaired or rebuilt but shall be torn down or removed. When the damages are less than fifty percent (50%) of its value, the building shall not be repaired so as to be higher in value than it was

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before the damages were sustained, except upon approval by four-fifths of the members of the council, of the plans and specifications of such repairs and rebuilding.

- 2.07 REMOVAL OF BUILDINGS. Any person who erects or moves any building in the fire limits, contrary to the provisions of this chapter, shall be given ten (10) days written notice by the mayor to remove or tear down the same, and if such removal or taking down is not completed within ten (10) days from the time of the service of such notice, the mayor shall cause the same to be removed or taken down. The mayor shall report an itemized bill of the expense to the clerk, and the same shall be charged to the person owning such building. The clerk shall present the bill to the owner of the property and if the bill is not paid within ten (10) days from the date it is presented, the amount of the bill shall be certified, by the clerk, to the county auditor, as a special tax against the property and collected the same as other taxes.
- 2.08 BOARD OF APPRAISEMENT. In case of a question as to the amount or extent of damage by fire or otherwise to any building, the damage shall be determined by a board of appraisement of three disinterested parties, owners of real estate within the fire limits, one of whom shall be appointed by the owner or agent of the building, the second by the mayor, and the persons thus chosen shall select a third person. If the members of the board appointed by the owner of the property and by the mayor are unable to agree upon the third member within ten (10) days of their appointment, the council shall appoint such third member. The members of the board shall fix the amount or extent of the damage. Their decision shall be in writing, shall be final and conclusive, and shall be filed with the clerk. No building within the fire limits about which there is a question shall be repaired or rebuilt until such finding has been filed with the clerk.
- 2.09 WALLS AND ROOF. The building or structure shall be enclosed on all sides with walls constructed wholly of stone, brick, terra-cotta, hollow building tile, concrete or other fire proof material and the roof, top and sides of all roof structures, including dormer windows and cornices, shall be covered with incombustible material, such as metal, slate, tile, composition shingles or roofing approved by the National Board of Fire Underwriters as Fire Resistive. Wooden stud walls covered with metal or veneered with brick shall not be construed as fire proof or in compliance with the provisions of this section.
- 2.10 EXTERIOR AND DIVISION WALLS. All exterior or division walls of buildings hereafter erected, shall be of sufficient thickness to support the load to be carried. All solid brick or reinforced concrete, exterior or division walls, shall be not less than twelve (12) inches thick in the upper two stories or upper thirty (30) feet, increasing four (4) inches in thickness for each two stories or fraction thereof below. Such exterior or division walls, when constructed of other permissible material, such as concrete tile or hollow tile, shall be at least four (4) inches thicker than solid brick or reinforced concrete walls. All exterior or division walls shall extend at least fifteen (15) feet above the roof.

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- 2.11 BEAMS IN WALLS. The ends of all floor, ceiling, or roof beams, entering a party or fire wall from opposite sides, shall be separated by at least four (4) inches of solid masonry. Such separation may be obtained by corbelling the wall, or staggering the beams, but no wall shall be corbelled more than two (2) inches for this purpose. The ends of all wooden beams that enter walls shall be cut to a bevel to make them self-releasing.
- 2.12 ACCESSORY BUILDINGS. The mayor, upon vote of a majority of the council in favor thereof, may issue a permit to build a coal house and other out buildings of other materials than those specified in this chapter, not exceeding twelve (12) feet in height and one hundred fifty (150) square feet in area, to be placed not less than twenty feet (20') from any other building or erection within the fire limits, and with the use of which no fire is anticipated. To obtain such permit, written application shall be made to the Mayor and the Council before any work is done, specifying the location, size and possible use of the proposed erection, and if a majority of the Council vote in favor of granting such permit and the mayor approves of the same, the mayor shall issue a permit in writing.

## TITLE VI

### CHAPTER 3: TREES

#### ARTICLE 3 - TREE ORDINANCE

- 3.01 TITLE. This Ordinance shall be known as tile Municipal Tree Ordinance for tile City of Inwood, in Lyon County, State of Iowa.
- 3.02 PURPOSE. It is the purpose of this Ordinance to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs, and other plants within the City of Inwood.
- 3.03 DEFINITIONS.
- Street Trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within tile City.
- Park Trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access to a park.
- 3.04 CREATION AND ESTABLISHMENT OF A CITY TREE BOARD. There is hereby created and established a City Tree Board for tile City of Inwood, IA, which shall consist of at least six members, citizens and residents of this city, who shall be appointed by the mayor with the approval of the City Council.
- 3.05 TERM OF OFFICE. The term of the persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.
- 3.06 COMPENSATION. Members of the Board shall serve without compensation.
- 3.07 DUTIES AND RESPONSIBILITIES. It shall be the responsibility of the Board to study, investigate, counsel, and develop and/or update annually, and administer a written plan for the care, preservation, trimming, planting, replanting, removal or disposal of trees and shrubs in public ways, streets and alleys. Such plan will be presented annually to the City Commission and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Inwood, IA.

The Board, when requested by the City Commission, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.



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- 3.08 OPERATION. The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.
- 3.09 SPECIES, CULTIVARS, AND VARIETIES. The Tree Board shall develop and maintain a list of desirable trees for planting along streets in three classes: small, medium and large. A list of tree species not suitable for planting as Street Trees will also be created and enforced by the Tree Board.
- 3.10 DISTANCE FROM STREET CORNERS AND FIREPLUGS. No Street Tree shall be planted closer than 20 feet from any street corner, measured from the point of nearest intersecting curb or curb lines. No Street Tree shall be planted closer than 10 feet from any fireplug.
- 3.11 UTILITIES. No Street Trees other than those species listed as Small Trees by the Tree Board may be planted under or within 10 lateral feet from any overhead utility wire, or over or within 5 lateral feet from any underground water line, sewer line, transmission line or other utility.
- 3.12 PUBLIC TREE CARE. The City shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure safety when servicing City utilities or to preserve the symmetry and beauty of such public grounds. The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.
- 3.13 TRIMMING; CORNER CLEARANCE. Every owner of any tree overhanging any street or right-of-way within the City shall trim the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the walkways fifteen (15) above the street or alleys. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to trim any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign, such trimming to be confined to the area immediately above the right-of-way.
- 3.14 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY. The City Tree Board shall recommend the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the City.

Per Iowa Code 364.12(e), the property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. This City will be responsible

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for the removal and cost of such diseased or dead wood on publicly owned property or right-of-way.

- 3.15 REVIEW BY CITY COUNCIL. The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal any recommendation of the City Tree Board by filing a written appeal within 20 days of the City Tree Board decision to the City Council who may hear the matter and make final decision.
- 3.16 TREE TOPPING. Tree topping shall be prohibited as a normal practice for any person, firm, or City department of any Street Tree, Park Tree, of other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Ordinance at the determination of the City Tree Board.
- 3.17 REMOVAL OF STUMPS. All stumps of Street and Park Trees shall be removed below the surface of the ground so that the tops of the stump shall not project above the surface of the ground. The City shall only be responsible for the removal of those stumps of trees the City cuts down.
- 3.18 NUISANCE AND CONDEMNATION. All Street Trees planted in violation of, or not maintained in strict compliance with the provisions of this Ordinance, or are dead, diseased or dangerous are declared a public nuisance. The Tree Board shall cause written notice to be served on the property owner requiring such nuisance to be corrected within 60 days or the City may correct and the cost of correction may be assessed against the property owner unless said assessment is waived by the City Council. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance, the City may correct said nuisance without prior notice. The City may assess the property owner for the cost of the correction after notice to the property owner.
- 3.19 INTERFERENCE. No person shall prevent, delay, or interfere with the Tree Board in the execution or enforcement of the Ordinance.
- 3.20 PENALTIES. Any person or firm, or corporation violating or failing to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not more than \$100.00, or may be imprisoned for a term not exceeding thirty (30) days, or both. Each day said violation is in existence or occurs shall be considered a separate offense.

## TITLE VI

### CHAPTER 4: ABANDONED AND JUNKED VEHICLES AND MACHINERY

#### ARTICLE 4 - ABANDONED VEHICLES

##### 4.01 DEFINITIONS. For use in this article the following terms are defined:

1. "Abandoned Vehicle" shall mean any of the following:  
(Code of Iowa, Sec. 321.89(1b))
  - a. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates, or two (2) or more wheels or other parts which renders the vehicle totally inoperable.
  - b. A motor vehicle that has remained illegally on public property for more than twenty-four (24) hours.
  - c. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.
  - d. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of thirty (30) days. However, a police authority may declare the vehicle abandoned within the ten-day period commencing the notification process.
  - e. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
  - f. A vehicle that has been impounded pursuant to Section 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. "Demolisher" means 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" means the Iowa highway safety patrol or any law enforcement agency of a county or city.  
(Code of Iowa, Sec. 321.89(1a))

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- 4.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody an abandoned vehicle on private property. A police authority taking into custody an abandoned vehicle which has been 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 a private entity, equipment and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. If a police authority employs a private approved entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

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

- 4.03 NOTICE BY MAIL. The police authority or private entity 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 addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and serial number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where it is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to the disposal of the personal property by sale or destruction. The notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten (10) day reclaim period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten (10) day reclaiming period.

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

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- 4.04 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 addresses 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 4.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mail notice in section 4.03.  
(Code of Iowa, Sec. 321.89(3b))
- 4.05 EXTENSION OF TIME. The owner, lienholders or claimants may, by written request delivered to the police authority or private entity prior to the expiration of the ten (10) day reclaiming period, obtaining an additional five (5) days within which the motor vehicle or personal property may be reclaimed  
(Code of Iowa, Sec. 321.89(3c))
- 4.06 FEES FOR IMPOUNDMENT. The owner or lien holder shall pay twenty-five dollars (\$25.00) if claimed within five (5) days of impounding, plus ten dollar (\$10.00) for each additional day within the reclaiming period plus towing charges if stored by the city, or upon payment of the 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))
- 4.07 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State Law.  
(Code of Iowa, Sec. 321.89[4])
- 4.08 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The city or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner or a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders a vehicle totally inoperable. The police authority shall give the applicant a certificate of authority in lieu of the certificate of title.  
(Code of Iowa, Sec. 321.90(2e))
- 4.09 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of the 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 lien holder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount

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necessary to meet costs, the police authority shall apply for reimbursement the Department of Transportation.

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

- 4.10 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 a motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

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

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### CHAPTER 4: ABANDONED AND JUNKED VEHICLES AND MACHINERY

#### ARTICLE 5 - JUNKED VEHICLES AND MACHINERY

5.01 DEFINITIONS. For use in this Chapter the following terms are defined:

1. "Vehicle" means every device in, upon, or which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, boat trailer, utility trailer, farm machinery, or any combination thereof.
2. "Junk" means all old or scrap copper, brass, lead or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliance; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or near a rear yard is not considered junk.
3. For use in this article, the term "Junk Motor Vehicle" or "Junk Machinery" shall mean any motor vehicle or piece of machinery stored within the corporate limits of the city, not licensed for the current year as required by any law, or which because of any one of the following characteristics, constitutes a threat to the public health and safety:
  - a. UNLICENSED. Any vehicle not licensed for the current year as required by any law.
  - b. OPERABLE ("ROAD-READY"). Any vehicle not in safe condition or road ready for use on any roadways. Any vehicle which lacks an engine, or one or more wheels, or other structural parts, or has a flat tire, rendering said vehicle totally inoperable, or which cannot be moved under its own power or has not been used as an operating vehicle for a period of seven (7) days or more.
  - c. UNINSURED. Any vehicle not insured and having proof of financial liability coverage.
  - d. BROKEN GLASS. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
  - e. BROKEN OR LOOSE PART. Any vehicle with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, trunk top, trunk handle, radio aerial, tail pipe or decorative piece.

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- f. HABITAT FOR NUISANCE ANIMALS OR INSECTS. Any vehicle or piece of machinery which has become the habitat for rats, mice, or any other vermin or insects.
- g. FLAMMABLE FUEL. Any vehicle or machinery which contains gasoline or any other flammable fuel.
- h. DEFECTIVE OR OBSOLETE CONDITION. Any other vehicle or piece of machinery which, because of its defective or obsolete condition in any other way, constitutes a threat to the public health and safety.

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

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

5.03 JUNK AND JUNKED VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle or junk machinery located upon private property, unless excepted by section 5.04 of this Chapter constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk or a junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

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

5.04 EXCEPTIONS. The provisions of this chapter shall not apply to a junk motor vehicle or junk machinery stored within:

- 1. A garage or other enclosed structure; or
- 2. To a vehicle on the premises of a business enterprise operated in a district properly zoned therefore, when necessary to the operation of said business enterprise, as authorized under the zoning ordinance of the city.

5.04 NOTICE TO ABATE. Upon discovery of any junk motor vehicle or junk machinery stored upon private property in violation of Article 5.02, the may initiate abatement procedures. The City may also, in addition to or separately, proceed with a municipal infraction pursuant to Title III, Article 17 of this Code of Ordinances. The failure to follow either procedure is not a defense.

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



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### CHAPTER 5: FIRE PREVENTION CODE AND FIRE FIGHTING

#### ARTICLE 6 - GENERAL PROVISIONS

- 6.01 PURPOSE. This chapter is adopted to provide the city with the rules, administration, and enforcement powers to protect persons and property against the dangers of fire or explosion by measures to enhance prevention of such occurrences and to maintain buildings in a safe condition by the proper and safe storage of materials, the preservation of adequate exits clear of obstruction, use of safe practices in furnishing buildings for the public safety and welfare of the citizens of the city.
- 6.02 ENFORCEMENT; FIRE MARSHAL. The chief of the fire department shall be the City Administrator, who has the power and duty to conduct inspections and issue orders to enforce fire safety and the regulations adopted by this chapter, either by him or herself or through a designated deputy, named by the chief from among the membership of the volunteer fire department, who is trained in firemanship and knowledgeable of fire prevention measures. The fire chief has concurrent jurisdiction to enforce the state fire marshal's rules adopted in this chapter to enhance the public effort to prevent fires and explosions.
- 6.03 EXIT WAYS MAINTAINED. The provisions of state law on exits shall be reinforced by the city fire marshal, and it shall be the duty of the owner, agent or occupier of property, severally and collectively, to maintain the exits required by state law or by any city building code free from obstruction caused by storage of materials, placement of furniture, or by improper barring of exit doors. Whenever a condition which obstructs the required exits or unsafely prevents emergency use of exit doors, hallways, or passages to such doors, whether in places of public assembly, hospitals or other health care facilities, retirement homes, lodges, clubs, schools, retail stores, warehouses, hotels, motels, or multi-family dwellings with three or more dwelling units, the fire marshal shall order the condition remedied. The owner or occupant of the premises, upon receiving such an order in writing, shall make such corrections as have been so ordered by the authorized official within a reasonable time as set in the written order and the degree of imminent danger. The regulations of the state fire marshal, IAC 661, Chapter 5, which apply to exits and fire escapes, are adopted by reference.
- 6.04 FIRE EXTINGUISHERS. The provisions of state law requiring fire extinguishers in places of public assembly, hospitals or other health care facilities, retirement homes, lodges, clubs, schools, hotels, motels, or multi-family dwellings with three or more dwelling units are adopted by reference and the city fire marshal shall enforce their requirements as they appear in IAC 661, Chapter 5. Portable fire extinguishers shall also be provided in retail stores, warehouses, and industrial establishments, with not less than one (1) such extinguisher on each floor of a building and located so that no person will have

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to travel more than seventy-five (75) feet from any point to reach the nearest extinguisher. Additional extinguishers may be installed in a building and may be required by the city fire marshal in areas that constitute a special hazard. The type and size of portable fire extinguishers shall be determined by the city fire marshal for the named commercial and industrial buildings in accordance with best practice as advised by the state fire marshal and the insurance industry.

### 6.05 STORAGE OF HAZARDOUS SUBSTANCES.

1. **EXPLOSIVES.** No person shall store explosives, as defined by state law and rules promulgated thereunder, classified as Class A, Class B, or Class C explosives by the Federal Department of Transportation, within the fire limits without a permit from the city fire marshal except for quantities of twenty-five (25) pounds or less of smokeless powder or five (5) pounds or less of black powder for use in small arms, but a permit shall not be required for retail stocks of small arms ammunition for small bore rifles or shotguns customarily used in wild game hunting, or for target practice or skeet shooting. The city fire marshal shall have the power to limit the quantities of other explosives for which a permit is requested, but shall not grant permits for liquid nitroglycerin, dynamite with over 60% of liquid explosive ingredient, unstable types of dynamite, nitrocellulose, fulminate of mercury, explosive compositions that ignite spontaneously or markedly decompose to become more hazardous when subjected to 48 consecutive hours at a temperature of 167 degrees F.
2. **FLAMMABLE AND COMBUSTIBLE LIQUIDS.** The regulations for the storage and handling of flammable and combustible liquids as set forth in IAC 661, sections 5.300 et seq. are adopted by reference and shall be enforced by the city fire marshal. No flammable or combustible liquid shall be dispensed from underground tanks in residential areas except in public garages or motor fuel (service) stations which exist as legally nonconforming uses under the zoning chapter.
3. **LIQUEFIED PETROLEUM GASES.** The regulations for the storage and handling of liquefied petroleum gases as set forth in IAC 661, section 5.250 and 5.251 are adopted by reference and shall be enforced by the city fire marshal, and no installation exceeding 900 pound capacity shall be made without a city permit, conditioned on compliance with said state rules, issued by the city fire marshal.

### 6.06 OPEN BURNING. The following shall apply to open burning:

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### 1. DEFINITIONS.

- a. Back yard Burning. The burning of rubbish originating on the premises by individuals domiciled on the premises.
- b. Open Burning. Any burning of combustible materials where in the products of combustion are emitted into the open air without passing through a chimney or stack.
- c. Refuse. Garbage, rubbish, and all other putrescible and nonputrescible wastes, except sewage and water-carried trade wastes.
- d. Rubbish. All waste materials of nonputrescible nature.
- e. Trade Waste. All solid or liquid material or rubbish resulting from building operations, construction, or the conduct of any business, industry or trade, including but not limited to, chemicals, cinders, grease, paint, plastic products, and other forms of liquid and solid waste materials.

### 2. REGULATIONS.

- a. No person shall allow, cause, or permit open burning of rubbish, refuse, including trade wastes, or any other combustible material, nor shall he or she conduct a salvage operation by open burning, except where a variance has been granted by the air pollution control authority of the State of Iowa. This includes no burning of yard waste. The following shall be permitted exceptions:
  - 1. Open fires for cooking, provided they comply with the limits for emissions of visible air contaminants established by the Environmental Protection Commission (EPC) of the Iowa Department of Natural Resources (IDNR).
  - 2. Training fires. Fires set for the purposes of bona fide training of public or industrial employees in fire fighting methods, provided that the Executive Director of the EPC of the IDNR receives notice in writing at least one (1) week before such action commences.

(Editor's Note: Ordinance 189, adopted September 14, 1998 eliminated open burning within the City of Inwood)

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- 6.07 MODIFICATIONS. The chief of the fire department shall have power to modify any of the provisions of this fire prevention chapter upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department. One signed copy of the decision of the chief of the fire department shall be furnished the applicant, and one signed copy shall be filed in the office of the city clerk.
- 6.08 APPEALS. Whenever the chief of the fire department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of this chapter do not apply or that the true intent and meaning hereof have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within 30 days from the date of such decision.
- 6.09 PENALTIES. Any person who violates any of the provisions of this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions in the same manner as provided for in the chapter on nuisances.
- 6.10 INTERFERENCE WITH FIRE FIGHTING. It shall be unlawful to hinder or interfere with any officer or fireman in the performance of his or her duty at, or going to, or returning from a fire, or while attending to his or her duties as a member of the fire department.
- 6.11 DAMAGING FIRE DEPARTMENT PROPERTY. It shall be unlawful to cut, deface, destroy or injure any wires, poles, signal boxes, or any other property or fixtures belonging to or connected with the fire department or the fire alarm system.
- 6.12 FALSE ALARMS. No person, knowing the information is false, shall give or cause to be reported by any means a false report of fire.

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- 6.13 DRIVING OVER FIRE HOSE. It shall be unlawful to drive or run any automobile, wagon, truck, locomotive, train of cars, or other vehicle across, along or upon any fire hose without the consent of any fire department official.
- 6.14 ASSISTING FIREMEN. It shall be unlawful for any person to refuse or neglect to assist the firemen in their duties at any fire when called upon to do so by the chief of the fire department or the officer acting in his or her place.
- 6.15 PRIVATE USE OF FIRE EQUIPMENT. It shall be unlawful for any person having charge of any of the fire apparatus belonging to the city to allow or permit the same to be used for private benefit.

## CHAPTER 5: FIRE PREVENTION CODE AND FIRE FIGHTING

### ARTICLE 7 – OPEN BURNING

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- 7.01 PURPOSE. The purpose and intent of this article is to prohibit open burning except where there is no other reasonable means of producing a similar public benefit.
- 7.02 OPEN BURNING PROHIBITED. No person shall ignite, cause to be ignited, permit to be ignited, allow or maintain any fire for the purpose of burning or consuming yard waste, refuse, garbage, or other waste material, except as specifically provided in section 7.03 of this article.
- 7.03 EXCEPTIONS TO BURNING PROHIBITION.
- A. Recreational Fires: Fires for cooking, heating, and recreation. All such fires must use only charcoal; clean, dry, seasoned firewood; natural gas or propane. All such fires shall be within a noncombustible container device, structure or fire ring designed for the purpose of containing a fire. Recreational fires shall be no larger than three feet (3') in diameter and two feet (2') in height.
  - B. Disaster Rubbish: The open burning of rubbish, including landscape waste, for the duration of a community disaster period in cases where an officially declared emergency exists.
  - C. Training Fires: Fires set and used for the purpose of bona fide instruction and training of public, institutional or industrial employees in the methods of firefighting.
  - D. City Landscape Waste Disposal Site: Burning conducted by, or at the direction of, employees of the city department of public works at the city's designated landscape waste disposal site.
  - E. Incinerators: Incinerators operated by permit issued by the Iowa department of natural resources, when operated in accordance with the permit.
  - F. Open Burning By Permit: Such open burning activities for which an open burning permit has been requested from, and issued by, the Inwood fire chief or his designee. Open burning activities for which a permit may be issued include: ceremonial fires for groups or organizations; prescribed landscape fires for the maintenance of native prairie grasses and agricultural areas; and such other open burning activities as are deemed necessary and appropriate.
- 7.04 OPEN BURNING SITES. It shall be unlawful to start, maintain or allow open burning on any pavement, street, avenue, alley, or other public right of way; or on any private ground within ten feet (10') of any building (including overhangs), woodpile, wooden structure or other property subject to damage by fire, including wooden patios and wooden decks.
- 7.05 ATTENDANCE OF FIRE. All open burning shall be constantly attended by a competent person until the fire is extinguished.

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- 7.06 PROCLAMATION. The mayor or chief of the fire department may prohibit open burning during periods of extremely dry conditions or under other conditions when open burning is dangerous to life or property. Such a prohibition shall be implemented by proclamation which shall be posted at the fire station and at city hall and shall be distributed to all newspapers and radio stations located in the city.
- 7.07 WIND RESTRICTIONS. No fire shall be ignited or maintained when the velocity of the wind exceeds twenty (20) miles per hour.
- 7.08 OPEN BURNING PERMITS. Any person who desires to accomplish open burning in the city pursuant to the provisions of subsection 7.03 of this article may submit an application for approval of an open burning permit. No application fee is required. Upon receipt of such an application, the fire chief or his designee shall investigate the application and shall determine, in his discretion, whether the permit should be denied or granted and, if granted, under what conditions or limitations.

In granting an open burning permit, the fire chief shall consider potential damage to property or persons; potential adverse effects of smoke and other products of combustion; alternative disposal methods available; and the relative costs of alternative disposal methods.

- 7.09 AUTHORITY OF PUBLIC OFFICERS. The Inwood fire chief or assistant chiefs of the Inwood Fire Department, mayor, or Lyon County Sheriff's Officers may require that any open burning activity in the City be immediately discontinued, if the officer or mayor determines the activity to be in violation of the provisions of this chapter or to be potentially harmful to persons or property.

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### CHAPTER 6: LEISURE TIME OPPORTUNITIES

#### CHAPTER 8 - PARK REGULATIONS

- 8.01 PURPOSE. The purpose of this chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities.
- 8.02 PARKING. All vehicles shall be parked in designated parking areas, and no vehicle shall be left unattended on any park, drive, road or street, except in the case of an emergency.
- 8.03 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 established drives or roadways therein or such other places as may be officially designated by the City.
- 8.04 FIRES. No fires shall be built, except in a place provided therefore, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.
- 8.05 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.
- 8.06 CAMPING AREAS. No person shall camp in any portion of a park except in portions prescribed or designated by the council.
- 8.07 SWIMMING POOL. No person shall enter, or remain within, the swimming pool at any time other than when said pool is officially open and supervised by duly authorized personnel.



**TITLE VII**

## **TITLE VII**

### **TITLE VII - COMMUNALITY DEVELOPMENT**

## **TITLE VII**

### **CHAPTER 1 URBAN RENEWAL AREA**

#### **ARTICLE 1 - TAX INCREMENTAL FINANCING (ORDINANCE NO. 180)**

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE URBAN RENEWAL PROJECT AREA, IN THE CITY OF INWOOD, COUNTY OF LYON, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF INWOOD, COUNTY OF LYON, WEST LYON COMMUNITY SCHOOL DISTRICT AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY SAID CITY IN CONNECTION WITH SAID URBAN RENEWAL REDEVELOPMENT PROJECT.

WHEREAS, the City Council of the City of Inwood, Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution No. 9-95 passed and approved on the 29 day of November, 1994 adopted an Urban Renewal Plan for an urban renewal area known as the Inwood, Iowa Urban Renewal Plan Area, which project area includes the lots and parcels within the boundaries described as follows:

Lots 7 through 18 on Block 7, Lots 1 through 12 of Block 8, Lots 1 through 3 on Block 11, and Lots 7 through 9 on Block 12 all within the Original Town of Inwood;

WHEREAS, expenditures and indebtedness are anticipated to be incurred by the City of Inwood, Iowa in the future to finance said Urban Renewal project; and

WHEREAS, the City Council of the City of Inwood, Iowa desires to provide for the division of revenue from taxation in the Urban Renewal Project Area, as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INWOOD, IOWA:

Section 1. That the taxes levied on the taxable property in the Urban Renewal Project Area known as the Urban Renewal Project Area, as legally described in the preamble hereof, by and for the benefit of the State of Iowa, City of Inwood, County of Lyon, West Lyon Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 2. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in said Inwood, Iowa Urban

Renewal Project Area upon the total sum of the assessed value on the assessment roll of January 1, 1993 being the first day of the calendar year preceding the effective date of this ordinance shall be allocated to and when collected be paid into the Fund for the respective

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taxing district as taxes by or for said taxing district into which all other property taxes are paid.

Section 3. That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of the City of Inwood, Iowa hereby established, to pay the principal of and the interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 and 403.12 of the Code of Iowa, as amended, incurred by the City of Inwood, Iowa, to finance or refinance in whole or in part projects undertaken pursuant to the Inwood, Iowa Urban Renewal Project Program, except that taxes for the payment of bonds and interest of each taxing district levying taxes on said project area shall be collected against all taxable property within the project area without any limitation as hereinabove provided.

Section 4. All taxes levied and collected upon the taxable property in said Inwood, Iowa Urban Renewal Project Area shall be paid into the funds of the taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes unless or until the total assessed valuation of the taxable property in said Urban Renewal project Area shall exceed the total assessed value of the taxable property in said Urban Renewal Project Area on the date of adoption of this Ordinance.

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

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

Section 7. This Ordinance shall be in effect after its final passage, approval, and publication as provided by law.

(Editor's Note: Ordinance 180 was Approved on December 21, 1994)

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### CHAPTER 1 URBAN RENEWAL AREA

#### ARTICLE 2 - TAX INCREMENTAL FINANCING (ORDINANCE NO. 187)

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 1997 Addition to the Inwood Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

BE IT ENACTED by the Council of the City of Inwood, Iowa:

Section 1 Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the 1997 Addition to the Inwood Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special Subfund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Inwood to finance projects in such area.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

"City" shall mean the City of Inwood, Iowa.

"County" shall mean the County of Lyon, Iowa.

"Urban Renewal Area Amendment" shall mean the 1997 Addition to the Inwood Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan amendment approved by the City Council by resolution adopted on November 10, 1997:

Lot Two (2) of Skewis' Addition to the Town (now City) of Inwood, EXCEPT that part of said Lot Two (2) Platted as Wallenburg Addition to the City of Inwood as shown by the Plat thereof recorded in Plat Book "5", at Page 254 in the Office of the Recorder of Lyon County, Iowa, AND ALSO EXCEPT the West One Hundred Twenty-Five Feet (W. 125') of the South One Hundred Eighty-Three Feet (S. 183') of said Lot Two (2). Also the right-of-way of Jefferson Street between Main Street and Douglas Street.

Section 3 Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area Amendment. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area Amendment each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area Amendment is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed

## TITLE VII

value of the taxable property in the Urban Renewal Area Amendment, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special Subfund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the Subfund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area Amendment on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area Amendment to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

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

(c) the portion of taxes mentioned in subsection (b) of this section and the special Subfund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area Amendment.

(d) as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Passed and approved by the Council of the City of Inwood, Iowa, on November 10, 1997.

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### ARTICLE 3 - TAX INCREMENTAL FINANCING (ORDINANCE NO. 229)

AN ORDINANCE PROVIDING FOR THE DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE SEPTEMBER 2014 ADDITION TO THE INWOOD URBAN RENEWAL AREA, PURSUANT TO SECTION 403.19 OF THE CODE OF IOWA

WHEREAS, the City Council of the City of Inwood, Iowa (the "City") enacted an ordinance entitled "An Ordinance Providing For The Division Of Taxes Levied On Taxable Property In The Inwood Urban Renewal Area, Pursuant To Section 403.19 of the Code of Iowa"; and

WHEREAS, pursuant to that ordinance, the Inwood Urban Renewal Area in the City of Inwood was designated a "tax increment district"; and

WHEREAS, the City Council now desires to increase the size of the "tax increment district" by adding additional property;

BE IT ENACTED by the City Council of the City of Inwood, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the September 2014 Addition to the Inwood Urban Renewal Area of the City, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City to finance projects in the such area.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

"City" shall mean the City of Inwood, Iowa.

"County" shall mean Lyon County, Iowa.

"September 2014 Urban Renewal Area Addition" shall mean the September 2014 Addition to the Inwood Urban Renewal Area of the City, the legal description of which is set out below, approved by the City Council by resolution adopted on the 15th day of September, 2014:

Richland Township (Section, Township, Range 019-098-047):  
PARCEL A IN NE1/4

PARCEL B IN NE1/4

"Urban Renewal Area" shall mean the entirety of the Inwood Urban Renewal Area, as amended from time-to-time.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the September 2014 Urban Renewal Area Addition. After the effective date of this ordinance, the

## TITLE VII

taxes levied on the taxable property in the September 2014 Urban Renewal Area Addition each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the September 2014 Urban Renewal Area Addition is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the September 2014 Urban Renewal Area Addition, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the September 2014 Urban Renewal Area Addition on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the September 2014 Urban Renewal Area Addition to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19 of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the September 2014 Urban Renewal Area Addition exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the September 2014 Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the September 2014 Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.



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(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed and approved by the Council of the City of Inwood, Iowa, on the 15th day of September, 2014.

## **APPENDIX A - FRANCHISES**

### **APPENDIX A – FRANCISHES**

All franchises are saved from repeal and are in full force.

## APPENDIX A- FRANCHISES

## **APPENDIX A - FRANCHISES**

### **APPENDIX B - ZONING**

Zoning Ordinance may be attached here. City of Inwood's Zoning ordinance and map is a separate stand-alone ordinance.

## APPENDIX B - ZONING

## **APPENDIX C - SUBDIVISION**

### **APPENDIX C - SUBDIVISION**

Subdivision Ordinance may be attached here. City of Inwood's Subdivision ordinance is a separate stand-alone ordinance.

## APPENDIX C - SUBDIVISION

## APPENDIX C - SUBDIVISION