

# CHAPTER 1

## CODE OF ORDINANCES

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

**1.02 DEFINITIONS.** Where words and phrases used in this Code of Ordinances are defined in the *Code of Iowa*, such definitions apply to their use in this Code of Ordinances unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision. Other words and phrases used herein have the following meanings, unless specifically defined otherwise in another portion of this Code of Ordinances or unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision:

1. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. "City" means the City of Tipton, Iowa.
3. "Clerk" means the city clerk of Tipton, Iowa.
4. "Code" means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
5. "Code of Ordinances" means the Code of Ordinances of the City of Tipton, Iowa.
6. "Council" means the city council of Tipton, Iowa.
7. "County" means Cedar County, Iowa.
8. "May" confers a power.
9. "Measure" means an ordinance, amendment, resolution or motion.
10. "Must" states a requirement.
11. "Occupant" or "tenant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
12. "Ordinances" means the ordinances of the City of Tipton, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
13. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust or other legal entity,

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

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

15. “Shall” imposes a duty.

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

17. “State” means the State of Iowa.

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

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

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

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

*(Code of Iowa, Sec. 364.1)*

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

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

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

*(Code of Iowa, Sec. 364.14)*

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

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

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

*(Code of Iowa, Sec. 380.2)*

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

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

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

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

**1.13 GENERAL STANDARDS FOR ACTION.** Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board or officer or employee of the City and does not specify standards to govern the exercise of the power, the

power shall be exercised in light of the following standard: The discretionary power to grant, deny, or revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.

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

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

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

## CHAPTER 2

# CHARTER

2.01 Purpose

2.02 Title

2.03 Form of Government

2.04 Powers and Duties of City Officers

2.05 Number and Term of Council

2.06 Term of Mayor

2.07 Copies on File

**2.01 PURPOSE.** The purpose of this chapter is to provide a charter embodying the form of government existing on July 1, 1975.

**2.02 TITLE.** This chapter may be cited as the charter of the City of Tipton, Iowa.

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

*(Code of Iowa, Sec. 372.4)*

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

**2.05 NUMBER AND TERM OF COUNCIL.** The Council consists of two Council Members elected at large and one Council Member from each of three wards as established by this Code of Ordinances, elected for overlapping terms of four years.

*(Code of Iowa, Sec. 376.2)*

**2.06 TERM OF MAYOR.** The Mayor is elected for a term of four years.

*(Code of Iowa, Sec. 376.2)*

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

*(Code of Iowa, Sec. 372.1)*

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## CHAPTER 3

# MUNICIPAL INFRACTIONS

3.01 Municipal Infraction  
3.02 Environmental Violation  
3.03 Penalties

3.04 Civil Citations  
3.05 Alternative Relief  
3.06 Alternative Penalties

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

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

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

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

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

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

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

1. Standard Civil Penalties.
  - A. First offense – not to exceed \$750.00
  - B. Each repeat offense – not to exceed \$1,000.00

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

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

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

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

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

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

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

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

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

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

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



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

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

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## CHAPTER 5

# OPERATING PROCEDURES

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

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

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

1. Qualify for Office. Each elected or appointed officer shall qualify for office by taking the prescribed oath and by giving, when required, a bond. The oath shall be taken, and bond provided, after such officer is certified as elected, no later than noon of the first day that is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected.

*(Code of Iowa, Sec. 63.1)*

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

*(Code of Iowa, Sec. 63.10)*

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

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

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

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

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

*(Code of Iowa, Sec. 64.13)*

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

*(Code of Iowa, Sec. 64.19)*

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

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

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

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

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

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

**5.04 BOOKS AND RECORDS.** All books and records required to be kept by law or ordinance shall be open to examination by the public upon request, unless some other provisions of law expressly limit such right or require such records to be kept confidential. Access to public records that are combined with data processing software shall be in accordance with policies and procedures established by the City.

*(Code of Iowa, Sec. 22.2 & 22.3A)*

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

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

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

1. 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)*

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

*(Code of Iowa, Sec. 362.5)*

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

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

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

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

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

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

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

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

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

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

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

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

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services that benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of fifteen hundred dollars (\$1,500.00) in a fiscal year.

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 372.15)*

**5.10 VACANCIES.** A vacancy in an elective City office during a term of office shall be filled in accordance with Section 372.13(2) of the *Code of Iowa*.

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

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

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## CHAPTER 6

# CITY ELECTIONS

**6.01 Nominating Method to Be Used**

**6.02 Nominations by Petition**

**6.03 Adding Name by Petition**

**6.04 Preparation of Petition and Affidavit**

**6.05 Filing; Presumption; Withdrawals; Objections**

**6.06 Persons Elected**

**6.07 Wards; Election Precincts**

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

*(Code of Iowa, Sec. 376.3)*

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

*(Code of Iowa, Sec. 45.1)*

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

*(Code of Iowa, Sec. 45.2)*

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

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

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

*(Code of Iowa, Sec. 45.4)*

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

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

**6.07 WARDS; ELECTION PRECINCTS.** The City, for the convenience of its citizens and to facilitate the casting and counting of ballots at elections, is hereby divided into three wards, each of which is one election precinct. Whenever a street is designated as a boundary line, the center of the street is meant unless otherwise designated. The precincts are bounded as follows:

1. First Precinct. Beginning at the junction of the east corporate limits and Inland Road, thence west on Inland Road to Plum Street, thence north to Fourth Street, thence west to Meridian Street, thence north to Sixth Street, thence west to Locust Street, thence south to Fifth Street, thence west to Lemon Street, thence north

to Seventh Street, thence westerly on Seventh Street extended to the west corporate limits, thence following the southerly, westerly and easterly corporate limit line back to the point of beginning.

2. Second Precinct. Beginning at the junction of the west corporate limit line and Seventh Street extended to the west corporate limits, thence east along Seventh Street to Lemon Street, thence south to Fifth Street, thence east on Fifth Street to Locust Street, thence north on Locust Street to Sixth Street, thence east on Sixth Street to Meridian Street, thence north to Tenth Street, thence west to North Avenue, thence north to Eleventh Street, thence east to Mulberry Street thence due north from Mulberry Street to North Street, thence east to Plum Street, thence north along the northerly extension of Plum Street to the north corporate limits, thence following the corporate limits westerly, southerly, westerly, and southerly back to the point of beginning.

3. Third Precinct. Beginning at the junction of the east, corporate limits and Inland Road, thence west on Inland Road to Plum Street, thence north to Fourth Street, thence west to Meridian Street, thence north to Tenth Street, thence west to North Avenue, thence north to Eleventh Street, thence east to Mulberry Street, thence due north from Mulberry Street to North Street, thence east to Plum Street, thence north along the northerly extension of Plum Street to the north corporate limits, thence easterly, southerly, easterly, southerly, easterly, southerly, easterly, southerly, thence westerly thence southerly to the point of beginning.

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## CHAPTER 7

# FISCAL MANAGEMENT

7.01 Purpose  
7.02 Accounting Officer  
7.03 Cash Control  
7.04 Fund Control

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Proposal Prepared. The City Manager and City Clerk are responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.

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

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

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

5. Notice of Hearing. Upon adopting a proposed budget the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than 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 on File. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor and not less than ten (10) days before the public hearing, the Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the Mayor and Clerk and at the City library.

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

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

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

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

*(Code of Iowa, Sec. 384.18)*

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

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

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

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

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

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

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

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

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

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

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

3. Checks. Checks shall be prenumbered and signed by the Clerk and Mayor following Council approval, except as provided by subsection 5 hereof.

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

5. Immediate Payment Authorized. The Council may by resolution authorize the Clerk to issue checks for immediate payment of amounts due, which if not paid

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

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

1. Monthly Reports. There shall be submitted to the Council each month a report showing the activity and status of each fund, program, sub-program and activity for the preceding month.
2. Annual Report. Not later than December 1 of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of the annual report must be filed with the Auditor of State not later than December 1 of each year.

*(Code of Iowa, Sec. 384.22)*

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## CHAPTER 8

# INDUSTRIAL PROPERTY TAX EXEMPTIONS

8.01 Purpose

8.02 Definitions

8.03 Period of Partial Exemption

8.04 Amounts Eligible for Exemption

8.05 Limitations

8.06 Applications

8.07 Approval

8.08 Exemption Repealed

8.09 Dual Exemptions Prohibited

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<b>EDITOR'S NOTE</b>		
The following ordinances, not codified herein and specifically saved from repeal, have been adopted establishing Urban Renewal Areas in the City and remain in full force and effect.		
<b>ORDINANCE NO.</b>	<b>ADOPTED</b>	<b>NAME OF AREA</b>
374	January 17, 1994	Tipton Urban Renewal Area
391	November 3, 1997	1997 Addition to Tipton Urban Renewal Area
401	May 18, 1998	1998 Addition to Tipton Urban Renewal Area
486	November 21, 2005	2005 Addition to Tipton Urban Renewal Area
497	September 17, 2007	2007 Addition to Tipton Urban Renewal Area
498	January 21, 2008	2008 Addition to Tipton Urban Renewal Area
515	August 1, 2011	Tipton Housing Urban Renewal Area
529	December 17, 2012	2012 Addition to Tipton Housing Urban Renewal Area

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## CHAPTER 15

### MAYOR

15.01 Term of Office  
15.02 Powers and Duties  
15.03 Appointments

15.04 Compensation  
15.05 Voting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Licenses and Permits. Sign all licenses and permits that have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.
10. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

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

*(Code of Iowa, Sec. 372.4)*

1. Police Chief
2. Library Board of Trustees
3. Airport Committee
4. Tipton Development Commission
5. Cemetery Board of Trustees
6. Planning and Zoning Commission
7. Zoning Board of Adjustment
8. Zoning Administrator
9. Board of Appeals
10. Tree Board

**15.04 COMPENSATION.** The salary of the Mayor is \$4,500.00 per year, payable monthly.

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

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

*(Code of Iowa, Sec. 372.4)*

## CHAPTER 16

### MAYOR PRO TEM

16.01 Vice President of Council  
16.02 Powers and Duties

16.03 Voting Rights  
16.04 Compensation

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

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

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

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

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

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

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

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

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**CHAPTER 17**  
**CITY COUNCIL**

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

17.04 Council Meetings  
17.05 Appointments  
17.06 Compensation

**17.01 NUMBER AND TERM OF COUNCIL.** The Council consists of two Council Members elected at large and one Council Member from each of three wards as established by this Code of Ordinances, elected for overlapping terms of four years.

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

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 26.10)*

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 380.4)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Regular Meetings. The regular meetings of the Council are on the first and third Mondays of each month at 5:30 p.m. at City Hall, unless a different day or time is determined by the Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council. If a special meeting is requested by a person other than the Mayor or a Council member, the sum of \$150.00 shall be posted by that person with the City Clerk to defray the expense of the special meeting. If the special meeting is called, none of the money shall be refunded. If the special meeting is not called, the money shall be refunded in full.
3. Quorum. A majority of all Council members is a quorum.  
*(Code of Iowa, Sec. 372.13[1])*
4. Rules of Procedure. The Council shall determine its own rules and maintain records of its proceedings.  
*(Code of Iowa, Sec. 372.13[5])*
5. Compelling Attendance. Any three members of the Council can compel the attendance of the absent members at any regular, adjourned, or duly called meeting, by serving a written notice upon the absent members to attend at once.

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

1. City Clerk
2. City Attorney
3. City Manager

**17.06 COMPENSATION.** Each member of the Council shall receive \$70.00 for each regular or special meeting of the Council attended, payable quarterly. In no event shall compensation for attending the meetings of the Council in one year exceed the sum of \$2,660.00.

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

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## CHAPTER 18

# CITY CLERK

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

18.08 Records  
18.09 Attendance at Meetings  
18.10 Issue Licenses and Permits  
18.11 Notify Appointees  
18.12 Elections  
18.13 City Seal

**18.01 APPOINTMENT AND COMPENSATION.** The Council shall appoint by majority vote a City Clerk to serve at the discretion of the Council. The Clerk shall receive such compensation as established by resolution of the Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 380.11)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**18.13 CITY SEAL.** The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders, and certificates that it may be necessary or proper to authenticate.

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## CHAPTER 19

# CITY TREASURER

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

**19.03 Duties of Treasurer**

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

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

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

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

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## CHAPTER 20

### CITY ATTORNEY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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# CHAPTER 21

## CITY MANAGER

21.01 Appointment and Term  
21.02 Compensation

21.03 Administrative Responsibility  
21.04 Duties

**21.01 APPOINTMENT AND TERM.** The Council shall appoint by majority vote a City Manager to serve at the discretion of the Council.

**21.02 COMPENSATION.** The City Manager shall receive such annual salary as the Council shall from time to time determine by resolution.

**21.03 ADMINISTRATIVE RESPONSIBILITY.** The City Manager is directly responsible to the Council for the administration of municipal affairs as directed by that body. All City departmental administration requiring the attention of the Council shall be brought before the Council by the City Manager.

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

1. Supervise enforcement and execution of the City laws.
2. Prepare the annual budget, present it to the Council, and administer the Council-approved budget.
3. Attend all meetings of the Council unless excused by a majority of the Council.
4. Recommend to the Council such measures as may be necessary or expedient for the good government and welfare of the City.
5. Have the general supervision and direction of the administration of the City government.
6. Supervise and direct the official conduct of all officers, departments and employees of the City. Appoint and, when necessary, suspend or remove all officers and employees of the City except those officers and employees whose appointment, suspension or removal is otherwise provided for by law or ordinance;
7. Supervise the performance of all contracts for work to be done for the City, supervise all purchases of materials and supplies and see that such material and supplies are received and are of the quality and character called for by the contract.
8. Supervise the construction, improvement, repair, maintenance, and management of all City property, capital improvements and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications, and estimates for capital improvements.
9. Investigate the affairs and conduct of any department, agency, officer or employee under the supervision of the City Manager.
10. Provide for and cause records to be kept of the issuance and revocation of businesses and permits authorized by City law.

11. Keep the Council fully advised of the financial and other conditions of the City and of its future needs.
12. Conduct the business affairs of the City and cause accurate records to be kept by modern and efficient accounting methods.
13. Perform other duties as the Mayor and Council may direct.

## CHAPTER 22

# LIBRARY BOARD OF TRUSTEES

22.01 Public Library	22.07 Nonresident Use
22.02 Library Trustees	22.08 Expenditures
22.03 Qualifications of Trustees	22.09 Annual Report
22.04 Organization of the Board	22.10 Injury to Books or Property
22.05 Powers and Duties	22.11 Theft
22.06 Contracting with Other Libraries	22.12 Notice Posted

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

**22.02 LIBRARY TRUSTEES.** The Board of Trustees of the Library, hereinafter referred to as the Board, consists of nine members. Eight of the members shall be residents of the City and one member may reside outside of the City. All resident members are to be appointed by the Mayor with the approval of the Council. The nonresident member is to be appointed by the Mayor with the approval of the County Board of Supervisors.

**22.03 QUALIFICATIONS OF TRUSTEES.** All resident members of the Board shall be bona fide citizens and residents of the City. The nonresident member of the Board shall be a bona fide citizen and resident of the unincorporated County but within the Tipton Community School District. Members shall be over the age of eighteen (18) years.

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

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

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

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary.

2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a Library Director, and authorize the Library Director to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, prior to such employment, the compensation of the Library Director, assistants, and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.
5. Removal of Personnel. To remove the Library Director, by a two-thirds vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence, or inattention to duty, subject however, to the provisions of Chapter 35C of the *Code of Iowa*.
6. Purchases. To select, or authorize the Library Director to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery, and supplies for the Library within budgetary limits set by the Board.
7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefor unless a contract for free service exists.
8. Rules and Regulations. To make and adopt, amend, modify, or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations.
9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.
10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.
11. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City by action against the Council.

*(Code of Iowa, Ch. 661)*
12. Record of Proceedings. To keep a record of its proceedings.
13. County Historical Association. To have authority to make agreements with the local County historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for Library purposes.

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

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

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

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

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

1. Lending. By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City, or County, or upon payment of a special nonresident Library fee.

2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.

3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.

4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

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

*(Code of Iowa, Sec. 384.20 & 392.5)*

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

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

*(Code of Iowa, Sec. 716.1)*

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

*(Code of Iowa, Sec. 714.1)*

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

1. Failure to Return. Failure to return Library materials for two months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

*(Code of Iowa, Sec. 714.5)*

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

*(Code of Iowa, Sec. 808.12)*

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## CHAPTER 24

# AIRPORT COMMITTEE

**24.01 Airport Committee Establishment**  
**24.02 Composition; Appointment; Term; Vacancies**  
**24.03 Powers and Duties**  
**24.04 Treasurer**

**24.05 Annual Report**  
**24.06 Bylaws**  
**24.07 Meetings**

**24.01 AIRPORT COMMITTEE ESTABLISHMENT.** There is hereby created and established a Committee to be known as the Airport Committee, for the purpose of overseeing the management, control, and operations of the Tipton Municipal - Mathews Memorial Airport as presently constituted, together with any and all additions and improvements hereafter made.

**24.02 COMPOSITION; APPOINTMENT; TERM; VACANCIES.**

1. The Committee shall consist of nine members, who shall be appointed by the Mayor with consent and approval of the City Council. Members shall serve without compensation or additional compensation, but may be reimbursed for their actual expenses.
2. Except for the initial terms, all appointments shall be for six-year terms expiring on July 1 of each year. No more than three members' terms may expire in any one year. The initial members of the Committee are hereby confirmed in their appointment and terms.
3. The position of any Committee member shall be vacant if he or she is absent from three consecutive regular meetings of the Committee except in the case of sickness. Vacancies in the Committee shall be filled in the same manner as original appointments are made, and the new Committee member shall fill out the unexpired term for which the appointment is made.

**24.03 POWERS AND DUTIES.**

1. The Committee shall establish rules and guidelines for the daily operation of the airport and operate same through the Committee and the Airport Manager elected by the Committee members for a term of one year. The Airport Manager may serve as the Committee Chairperson.
2. Subject to the final approval of the City Council, the Committee shall have authority to oversee the daily operation of the airport.

**24.04 TREASURER.** The City accounting officer shall be the Treasurer of said Committee and pay out all money under the control of the Committee on signed orders by the Airport Manager, but shall receive no compensation for services as Treasurer. All funds derived from taxation or otherwise for airport purposes shall be under the control of the Airport Committee, deposited with the City accounting officer, and disbursed in accordance with the City Council purchasing policies and with approval of the City Council.

**24.05 ANNUAL REPORT.** The Committee shall make a report to the City Council immediately after the close of the municipal fiscal year. This report shall contain statements

on the condition of the airport, the number of hangars occupied, the number of planes waiting for hangar space, and the amount of money expended in the maintenance of the airport during the year, together with such further information required by Council.

**24.06 BYLAWS.** The Committee shall establish and enact bylaws by which said Committee shall conduct its business.

**24.07 MEETINGS.**

1. Regular Meetings. Regular meetings of the Airport Committee shall be held monthly on the second Tuesday of each month at a time designated by the Committee.
2. Special Meetings. Special meetings of the members may be called by the Airport Manager or shall be called by the Airport Manager at the request of at least four (4) members of the Committee.
3. Place of Meetings. Regular meetings shall be held in the Terminal Building at the Tipton Municipal Airport or other appropriate meeting place should the Terminal Building not be available.
4. Notice of Meeting. Notice of the Airport Committee meetings shall be given in accordance with the Open Meetings Statute of the State of Iowa.
5. Quorum. A majority of the members of the Committee shall constitute a quorum at any meeting, and the majority of votes cast at any meeting at which a quorum is present shall be decisive of any motion or election. A change in by-laws shall require a majority vote of the full Committee.
6. Action. Once a matter is discussed and voted on by a quorum, the majority vote shall prevail.
7. Proxies. There shall be no vote by proxy.
8. Public Discussion. Time shall be made available during all regular meetings for public discussion.
9. Open Meetings. All meetings are open to the public unless closed by vote of the Committee. However, no meeting can be closed which would be in violation of the Iowa Open Meetings Law.



## CHAPTER 25

### DEVELOPMENT COMMISSION

25.01 Establishment  
25.02 Organization  
25.03 Treasurer

25.04 Powers and Duties  
25.05 Annual Report

**25.01 ESTABLISHMENT.** The Tipton Development Commission, hereinafter referred to as “Commission,” is hereby established and created for the purpose of promoting and marketing the Tipton Community and management of those efforts.

**25.02 ORGANIZATION.** The Commission shall be composed of seven members appointed by the Mayor with approval of the City Council. Membership shall be constituted as follows: two representatives of the Tipton Chamber of Commerce, two representatives of the Tipton Economic Development Corporation, two representatives of the Council, and one representative of the general public. Within ten (10) days following appointment, the Commission shall organize as a Commission by election of one of their number as Chairperson and one as Secretary. Commissioners shall not be required to post bond.

1. Terms of Office. All appointments to the Commission shall be for staggered terms of six years, except to fill vacancies. Each term shall commence on July 1.
2. Vacancies. The position of any Commissioner shall be vacant if he or she moves permanently from the City or is absent from three regular meetings of the Commission within a six-month period except in the case of sickness or temporary absence from the City. Vacancies in the Commission shall be filled by appointment of the Mayor, with the approval of the Council, and the new Commissioners shall fill out the unexpired term for which the appointment is made.
3. Compensation. Commissioners shall receive no compensation for their services except for expenses incurred in and as a result of the exercise of their function.

**25.03 TREASURER.** The City accounting officer shall be the Treasurer of the Commission and pay out all money under the control of the Commission on orders signed by the Chairperson and Secretary, but shall receive no compensation for services as Treasurer.

**25.04 POWERS AND DUTIES.** Except where Council authority and action are specifically required by law, the Commission shall have and exercise the following powers and duties:

1. To direct and control all the operations and activities of the Tipton Development Group.
2. To employ a Development Director, and authorize the Development Director to employ such assistants as may be necessary for the proper management of development activities, and fix compensation; provided, however, prior to such employment, the compensation of the Director shall have been fixed and approved by a majority of the members of the Commission voting in favor thereof.

3. To remove (by a two-thirds vote of the Commission) the Development Director and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty, subject, however, to the provisions of Chapter 35C, *Code of Iowa*.
4. To select, or authorize the Director to select, and make purchase of materials and services for the effective marketing of the Tipton community.
5. To have control of the expenditure of all funds allocated for development purposes by the Council, and of all moneys available by gift or otherwise for the operation of the development programs and of all other moneys belonging to the Development Commission. All funds shall be deposited with the City accounting officer and disbursed in accordance with the City Council purchasing policies and with approval of the City Council.
6. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the Development Commission, to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the continuation of development efforts.
7. To keep a record of its proceedings.
8. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City.
9. To have authority to make agreements with the local, regional, or State development agencies as such need arises to sustain effective and meaningful development efforts.

**25.05 ANNUAL REPORT.** The Commission shall make an annual detailed report to the Council immediately after the close of each municipal fiscal year of the amounts of money expended and the purposes for which used, and such annual statement shall be published as part of the annual municipal report. This report shall contain statements on the activities of the Development Commission, together with such further information required by the Council.

## CHAPTER 26

# CEMETERY BOARD OF TRUSTEES

26.01 Established

26.02 Powers and Duties

26.03 Rules and Regulations

26.04 Sale of Interment Rights

26.05 Perpetual Care

26.06 Reports to the Council

**26.01 ESTABLISHED.** The Cemetery Board of Trustees, hereinafter referred to as the Board, consists of three members appointed by the Mayor with the approval of the Council. The terms of the members of the Board shall continue until replaced by new appointments. Members of the Board shall receive no compensation for their services except that the Managing Officer of the Board, as determined by the Board, shall receive such compensation for the performance of the officer's duties as established by the Board. Vacancies on the Board shall be filled in the same manner as the original appointment.

**26.02 POWERS AND DUTIES.** The Board shall have full charge and control of the cemetery grounds and property donated to the City by Cedar Lodge No. 11, Ancient Free and Accepted Masons of Tipton, Iowa, and all the powers and duties over cemeteries which are given to the City by State law are hereby delegated to and conferred upon said Board. Pursuant to Section 523I.502 of the *Code of Iowa*, the Board hereby states its willingness and intention to act as the trustee for the perpetual maintenance of the cemetery property.

*(Code of Iowa, Sec. 523I.501 and Sec. 523I.502)*

**26.03 RULES AND REGULATIONS.** The Board shall have power to adopt any and all reasonable rules and regulations for the use, management, adornment and control of the cemetery under its control, which shall include, but not be limited to, rules and regulations in reference to the burial of the dead, care of the lots, maintenance of the cemetery, including employment of caretaker and assistants, sale of lots, fixing and determining all charges for services or materials, and the organization and meetings of said Board in a proper manner and not inconsistent with the laws of the State. The rules shall specify the cemetery's obligations in the event that interment spaces, memorials or memorializations are damaged or defaced by acts of vandalism. Any veteran, as defined in Section 35.1 of the *Code of Iowa*, who is a landowner or who lives within the City shall be allowed to purchase an interment space and to be interred within the cemetery. In addition, any veteran who purchases an interment space within the cemetery shall be allowed to purchase an interment space for interment of the spouse of the veteran if such a space is available, and the surviving spouse of a veteran interred within the cemetery shall be allowed to purchase an interment space and be interred within the cemetery if such a space is available.

*(Code of Iowa, Sec. 523I.304)*

**26.04 SALE OF INTERMENT RIGHTS.** The sale or transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by Chapter 523I of the *Code of Iowa*.

*(Code of Iowa, Sec. 523I.310)*

**26.05 PERPETUAL CARE.** The Board, by resolution, shall accept, receive and expend all moneys and property donated or left to them by bequest for perpetual care, and that portion of interment space sales or permanent charges made against interment spaces which has been set aside in a perpetual care fund. The assets of the perpetual care fund shall be invested in accordance with State law. The Board, by resolution, shall provide for the payment of interest annually to the appropriate fund, or to the cemetery, or to the person in charge of the cemetery to be used in caring for or maintaining the individual property of the donor in the cemetery, or interment spaces which have been sold with provisions for perpetual care, all in accordance with the terms of the donation or bequest, or the terms of the sale or purchase of an interment space and Chapter 523I of the *Code of Iowa*.

*(Code of Iowa, Sec. 523I.503, 523I.507 & 523I.508)*

**26.06 REPORTS TO THE COUNCIL.** The Board shall make a written report to the Council of its activities annually or upon Council request. Its revenues and expenditures shall be reported annually in the manner of other departmental expenditures, and a copy shall be included in the Clerk's report to the Council.

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## CHAPTER 30

# POLICE DEPARTMENT

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

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

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

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

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

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

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

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

*(IAC, 501-3 and 501-8)*

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

**30.06 POLICE CHIEF APPOINTED.** The Mayor shall appoint and dismiss the Police Chief, subject to the consent of a majority of the Council, and in accordance with contract provisions.

*(Code of Iowa, Sec. 372.4)*

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

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

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

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

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

**30.09 SUMMONING AID.** Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.  
(Code of Iowa, Sec. 804.17)

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

**30.11 CONTRACT LAW ENFORCEMENT.** In lieu of the appointment of a police chief by the Mayor as provided by Section 30.06, the Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.  
(Code of Iowa, Sec. 28E.30)

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## CHAPTER 35

# FIRE DEPARTMENT

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

35.09 Constitution  
35.10 Accidental Injury Insurance  
35.11 Liability Insurance  
35.12 Calls Outside Fire District  
35.13 Mutual Aid  
35.14 Authority to Cite Violations  
35.15 Emergency Rescue Service

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

*(Code of Iowa, Sec. 364.16)*

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

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

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 102.2)*

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

*(Code of Iowa, Sec. 102.2)*

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

*(Code of Iowa, Sec. 102.3)*

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

7. Property. Over see the use of all fire apparatus, tools, equipment, and other property used by or belonging to the Fire Department.

8. Notification. Whenever death, serious bodily injury, or property damage in excess of two hundred thousand dollars (\$200,000) has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal's Division immediately. For all other fires causing an estimated damage of fifty dollars (\$50.00) or more or emergency responses by the Fire Department, file a report with the Fire Marshal's Division within ten (10) days following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents.

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

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

*(Code of Iowa, Sec. 100.12)*

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

*(Code of Iowa, Sec. 100.13)*

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



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

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

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

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 100.41)*

**35.15 EMERGENCY RESCUE SERVICE.** The department is authorized to provide emergency rescue services, and the accidental injury and liability insurance provided for herein shall include such operation.

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## CHAPTER 36

# HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose

36.02 Definitions

36.03 Cleanup Required

36.04 Liability for Cleanup Costs

36.05 Notifications

36.06 Police Authority

36.07 Liability

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**36.05 NOTIFICATIONS.**

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

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

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

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

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

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## CHAPTER 37

### EMERGENCY AMBULANCE SERVICE

37.01 Ambulance Service Created	37.07 Providing Service Outside City Limits
37.02 Staffing	37.08 Fees Established
37.03 Bylaws; Rules and Regulations	37.09 Calculation of Fees
37.04 Compensation	37.10 Payment of Fees
37.05 Employment Status	37.11 Ambulance Director
37.06 Worker's Compensation and Liability Insurance	

**37.01 AMBULANCE SERVICE CREATED.** There is hereby created a City Ambulance Service, which has the authority to equip an ambulance and rescue unit in the manner agreed upon with the Council.

**37.02 STAFFING.** Personnel of the Ambulance Service are volunteers who are certified emergency medical care providers and who attend and actively participate in regular or special training drills or programs, as required by law or directed by the Council.

**37.03 BYLAWS; RULES AND REGULATIONS.** The Ambulance Service shall submit to the Council for approval bylaws and/or rules and regulations for the operation of the service which are in accordance with the Council standards, rules, and regulations and all applicable State and Federal laws, rules, and regulations. The rules and regulations shall include and shall not be limited to provisions governing emergencies having priority over transfers and service being provided outside the City limits. The power and authority of the Ambulance Service include:

1. Training. Designating personnel, with Council approval, to attend schools and courses concerned with ambulance service and all reasonably related subjects.
2. Purchase of Equipment. Recommending to the Council the purchase of such equipment as the ambulance service deems necessary for the proper operation of the service.
3. Maintenance of Equipment. Maintaining all vehicles and equipment.
4. Expenditures. Preparing a preliminary budget for the Council's consideration and administering the ambulance service's approved budget in a manner prescribed by the Council for all City departments.
5. Annual Report. Submitting to the City Manager and Council a comprehensive report of the operation of the service and the status of equipment, including a complete equipment inventory, in July of each year.
6. Other. Performing all other acts which are reasonably necessary to the operation of the ambulance service.

**37.04 COMPENSATION.** Operating personnel shall be compensated under the terms of a schedule of compensation to be established by resolution of the Council.

**37.05 EMPLOYMENT STATUS.** Personnel providing ambulance service are considered to be employees of the City while in the performance of all duties and services reasonably connected with the operation of the service, for the purpose of the application of worker's compensation statutes and for the purpose of the application of liability insurance coverage.

**37.06 WORKER'S COMPENSATION AND LIABILITY INSURANCE.** The City shall purchase sufficient insurance to cover all personnel providing ambulance service under the worker's compensation statutes of the State and shall purchase sufficient insurance to protect the City against loss from damages or public liability resulting from the operation of the service.

**37.07 PROVIDING SERVICE OUTSIDE CITY LIMITS.** The Ambulance Service is authorized to respond to calls outside the corporate limits of the City and to transport patients to such locations as may be necessary in individual circumstances. The service shall establish policies, subject to Council approval, for response to calls outside the corporate limits, and for the routine transfer of patients.

**37.08 FEES ESTABLISHED.** The fees for service within or without the City shall be established by resolution of the Council.

**37.09 CALCULATION OF FEES.** The Clerk shall calculate and render bills for ambulance service and all reasonably related services rendered pursuant to the schedule of fees fixed by the Council.

**37.10 PAYMENT OF FEES.** All ambulance service fees and fees and charges for reasonably related emergency services shall be due and payable upon presentation of a statement for said fees and charges to the user and/or recipient of the service and shall be paid to the Clerk. Actions for collection of fees and charges shall be brought in the name of the City, after authorization of commencement of action by the Council in the same manner as other actions by law.

**37.11 AMBULANCE DIRECTOR.** The Ambulance Director shall be responsible for oversight and direction of the Ambulance Service and shall follow all necessary State, City and Federal codes. The Ambulance Director is responsible to the City Manager.

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**CHAPTER 40**  
**PUBLIC PEACE**

40.01 Assault  
40.02 Harassment  
40.03 Disorderly Conduct

40.04 Unlawful Assembly  
40.05 Failure to Disperse

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

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

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

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

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

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

*(Code of Iowa, Sec. 708.1)*

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

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

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

*(Code of Iowa, Sec. 708.7)*

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

*(Code of Iowa, Sec. 708.7)*

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

*(Code of Iowa, Sec. 708.7)*

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

*(Code of Iowa, Sec. 708.7)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Funeral or Memorial Service. Within 500 feet of the building or other location where a funeral or memorial service is being conducted, or within 500 feet of a funeral procession or burial:

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

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

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

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

*(Code of Iowa, Sec. 723.5)*

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

*(Code of Iowa, Sec. 723.2)*

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

*(Code of Iowa, Sec. 723.3)*

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## CHAPTER 41

### PUBLIC HEALTH AND SAFETY

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

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

*(Code of Iowa, Sec. 727.1)*

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

*(Code of Iowa, Sec. 718.6)*

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

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

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

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

*(Code of Iowa, Sec. 719.2)*

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

*(Code of Iowa, Sec. 718.4)*

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

*(Code of Iowa, Sec. 719.1)*

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

*(Code of Iowa, Sec. 708.12)*

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

*(Code of Iowa, Sec. 727.3)*

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

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

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

**41.11 DISCHARGING WEAPONS.**

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

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

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

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

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

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

*(Code of Iowa, Sec. 727.2)*

1. Definition. The term “fireworks” includes any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and specifically includes blank cartridges, firecrackers, torpedoes, skyrocketes, roman candles, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

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

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

3. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they 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 or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

**41.15 DRUG PARAPHERNALIA.**

*(Code of Iowa, Sec. 124.414)*

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

- A. Manufacture a controlled substance.
- B. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

- C. Test the strength, effectiveness, or purity of a controlled substance.
- D. Enhance the effect of a controlled substance.

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

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

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## CHAPTER 42

# PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing

42.02 Criminal Mischief

42.03 Defacing Proclamations or Notices

42.04 Unauthorized Entry

42.05 Fraud

42.06 Theft

42.07 Other Public Property Offenses

### 42.01 TRESPASSING.

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

*(Code of Iowa, Sec. 716.8)*

2. Definitions. For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 716.1)*

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

*(Code of Iowa, Sec. 716.1)*

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

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

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

*(Code of Iowa, Sec. 714.8)*

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

*(Code of Iowa, Sec. 714.1)*

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

1. Chapter 22 – Library
  - A. Section 22.10 – Injury to Books or Property
  - B. Section 22.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control and Recycling
  - A. Section 105.07 – Littering Prohibited
  - B. Section 105.08 – Open Dumping Prohibited
3. Chapter 135 – Street Use and Maintenance
  - A. Section 135.01 – Removal of Warning Devices
  - B. Section 135.02 – Obstructing or Defacing
  - C. Section 135.03 – Placing Debris On
  - D. Section 135.04 – Playing In
  - E. Section 135.05 – Traveling on Barricaded Street or Alley
  - F. Section 135.08 – Burning Prohibited
  - G. Section 135.12 – Dumping of Snow
4. Chapter 136 – Sidewalk Regulations
  - A. Section 136.11 – Interference with Sidewalk Improvements
  - B. Section 136.15 – Fires or Fuel on Sidewalks
  - C. Section 136.16 – Defacing
  - D. Section 136.17 – Debris on Sidewalks
  - E. Section 136.18 – Merchandise Display
  - F. Section 136.19 – Sales Stands

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## CHAPTER 45

# ALCOHOL CONSUMPTION AND INTOXICATION

### 45.01 Persons Under Legal Age

### 45.03 Open Containers in Motor Vehicles

### 45.02 Public Consumption or Intoxication

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

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

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

2. Purchase, Consume or Possess. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic 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 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 or beer permittee under State laws.

*(Code of Iowa, Sec. 123.47[2])*

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

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

### 45.02 PUBLIC CONSUMPTION OR INTOXICATION.

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

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

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

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

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

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

3. A person shall not simulate intoxication in a public place.

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

*(Code of Iowa, Sec. 123.46)*

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

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## CHAPTER 46

### MINORS

#### 46.01 Curfew

#### 46.02 Cigarettes and Tobacco

#### 46.03 Contributing to Delinquency

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

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

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

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

2. Curfew Established. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City between the hours of 11:00 p.m. and 4:00 a.m. of the following day from Sunday through Thursday, official City time, and between the hours of 12:00 midnight and 4:00 a.m. on Friday and Saturday.

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

A. The minor is accompanied by a responsible adult.

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

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

(1) Minor’s place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling, within one hour after the end or before the beginning of work;

(2) Minor’s place of religious activity or, if traveling, within one hour after the end or before the beginning of the religious activity;

(3) Governmental or political activity or, if traveling, within one hour after the end or before the beginning of the activity;

(4) School activity or, if traveling, within one hour after the end or before the beginning of the activity;

(5) Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic, political, religious or cultural matters, or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly or, if traveling, within one hour after the end or before the beginning of the activity.

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

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

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

5. Enforcement Procedures.

A. Determination of Age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver’s



license, a law enforcement officer on the street shall, in the first instance, use his or her best judgment in determining age.

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

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

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

6. Penalties.

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

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

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

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

**46.02 CIGARETTES AND TOBACCO.** It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco

products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.

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

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

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

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## CHAPTER 47

# PARK REGULATIONS

47.01 Purpose

47.02 Use of Drives Required

47.03 Fires

47.04 Littering

47.05 Parks Closed

47.06 Camping

47.07 Alcohol

47.08 Additional Regulations

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

*(Code of Iowa, Sec. 364.12)*

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

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

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

**47.05 PARKS CLOSED.** No person shall enter or remain within any park between the hours of 10:30 p.m. and 5:00 a.m.

**47.06 CAMPING.** No person shall camp in any portion of a park except in portions prescribed or designated by the Council, and the City may refuse camping privileges or rescind any and all camping privileges for cause. No overnight camping is allowed in the park.

**47.07 ALCOHOL.** The use of alcohol in the park is limited to beer and wine by permit only. No alcoholic liquor is allowed. No beer or wine is allowed without a permit from the Police Department. No beer or wine is allowed anywhere in the park when there is a school function taking place in the park. No beer or wine is allowed in the immediate area of organized activities involving minors.

**47.08 ADDITIONAL REGULATIONS.**

1. All dogs in the park must be on a leash.
2. No rummage or garage sales are allowed in the park.
3. All food and beverage sales in the park must be by non-profit organizations except by permit from the Council.
4. No skate boarding is allowed on the tennis courts.

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## CHAPTER 50

# NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance; Maintenance of Property  
50.02 Nuisances Enumerated  
50.03 Other Conditions  
50.04 Nuisances Prohibited  
50.05 Nuisance Abatement  
50.06 Abatement of Nuisance by Written Notice

50.07 Municipal Infraction Abatement Procedure  
50.08 Liability  
50.09 Powers of City Staff  
50.10 Search Warrant  
50.11 Interference Prohibited

**50.01 DEFINITION OF NUISANCE; MAINTENANCE OF PROPERTY.** Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance. All structures and premises, both occupied and vacant, shall be maintained in a clean, safe, secure, and sanitary condition, as provided herein, so as not to create, contribute to, or cause blight, or to restrict the public's right to health and safety.

*(Code of Iowa, Sec. 657.1)*

**50.02 NUISANCES ENUMERATED.** The following subsections include, but do not limit, the conditions that are deemed to be nuisances in the City. This enumeration shall not be deemed or construed to be exhaustive, limiting, or conclusive.

*(Code of Iowa, Sec. 657.2)*

1. Any building, structure, or place where any activity is conducted which is in violation of any local, State or Federal law.
2. Any and all putrid, rotting, or decaying carcasses, flesh, fish, produce, entrails, filth, offal, or other unhealthy or offensive substances of any kind left, deposited, dumped, or existing upon any street, alley, private lot, ground, or public place in or around any vacant or occupied building, except when properly enclosed in an approved trash or garbage receptacle.
3. All diseased, stray, or hazardous animals running at large. *(See also Chapter 55.)*
4. Carcasses of animals not buried or destroyed within 24 hours of death, as provided by law.
5. Any accumulation of stagnant water.
6. Any accumulation of rubbish, debris, or other offensive materials, such as (but not limited to) old timber, tin, wire, cans, barrels, cartons, boxes, rags, tires, inner tubes, brush, grass, hedge clippings, rocks, bricks, cinders, scrap iron, buckets, paint cans, tubs, windows, screens, glass, bottles, wastepaper, bedsprings, discarded furniture, improperly covered garbage and waste receptacles, old automobile parts, inoperable machinery or appliances. *(See also Chapter 51.)*
7. All trees, bushes, signs, or other obstructions that prevent persons from having a clear view of traffic approaching an intersection from cross streets or alleys in sufficient time to bring a motor vehicle driving at a reasonable speed to a full stop before the intersection is reached. *(See also Section 62.06.)*

8. The pollution of any well, stream, lake, river, or body of water by abandoning, dumping, depositing, or throwing of any sewage, industrial waste, carcass, garbage, refuse, offal, or manure except with the consent and under the direction of the Iowa Department of Natural Resources; and the dumping, depositing, or throwing of any such items upon any private or public property.
9. All weeds, grasses, and other noxious growth, as provided in Chapter 52 of this Code of Ordinances.
10. Dense smoke, noxious fumes, gas and soot, or cinders in noisome or unreasonable quantities.
11. All explosives, flammable liquids and other dangerous substances stored in any manner or in any amount other than that provided by law.
12. Any use of property abutting on a public street, path, trail, or sidewalk, or any use of a public street, path, trail, or sidewalk which causes large crowds of people to gather, which obstructs traffic and free use by the public.
13. All snow and ice not removed from public sidewalks within 24 hours after the snow or ice has ceased being deposited thereon. (*See also Section 136.03.*)
14. All limbs of trees and other vegetation which are less than ten (10) feet above the surface of any public sidewalk or street.
15. All wires, cords, cables, or ropes which are strung less than fifteen (15) feet above the surface of any public street, path, trail, or alley.
16. Any unsecured areas, buildings, or places that could cause accidental or unauthorized access where such access threatens the health or safety of public. (Fences, railings, and other guards shall be well built, kept in good repair, and an adequate height to perform their function, and have no sharp points, spikes, hooks, projection barbs, or other devices that are in themselves hazardous, except barbed wire, which may be used to enclose agricultural land.)
17. All trees, bushes, or other vegetation which are dead, decayed, diseased, or dying.
18. Any building or location which harbors or breeds rodents or pests.
19. All accessory buildings or structures (including garages, fences, and walls) which are not maintained in a structurally sound manner.
20. All exterior surfaces, including (but not limited to) doors, door and window frames, cornices, and porches and trim, which contain holes, breaks, loose or rotting boards or timber, or falling or loose bricks or stucco.
21. Any exterior paint that is peeling, flaking, and chipped. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights which are not maintained to be weather resistant and water tight.
22. All foundation walls containing open cracks and breaks and allowing the entry of rodents and pests.
23. Roofs that are not tight and sound and which have defects that admit rain or moisture. Roof drainage shall be maintained in good repair and free from obstruction. Roof drainage shall not be discharged in a manner that creates a potentially hazardous

condition to the health and safety of the public and shall be adequate to prevent rainwater to cause dampness in walls.

24. Every exterior stair, porch, deck, balcony, or railing incapable of safely accommodating imposed live and dead loads.

25. All exterior decorative features, such as (but not limited to) trim, cornices, and wall facings in such disrepair as to create an unsafe condition.

26. All overhanging extensions, such as (but not limited to) canopies, marquees, signs, metal awnings, fire escapes, and exhaust ducts in such disrepair as to create an unsafe condition.

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

1. Junk and Junk Vehicles (**See Chapter 51**)
2. Weeds and Grass (**See Chapter 52**)
3. Dangerous Buildings (**See Chapter 145**)
4. Storage and Disposal of Solid Waste (**See Chapter 105**)
5. Trees (**See Chapter 151**)

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

*(Code of Iowa, Sec. 657.3)*

**50.05 NUISANCE ABATEMENT.** Whenever any authorized municipal officer finds that a nuisance exists, such officer has the authority to determine on a case-by-case basis whether to utilize the nuisance abatement procedure described in Section 50.06 of this chapter or the municipal infraction procedure referred to in Section 50.07.

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

**50.06 ABATEMENT OF NUISANCE BY WRITTEN NOTICE.** Any nuisance, public or private, may be abated in the manner provided for in this section:

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

1. Notice Issued. The municipal officer shall notify the person committing or maintaining the nuisance to abate the nuisance within 24 hours or within a stated longer period if the official determines it necessary to avoid unnecessary hardship. However, the maximum time for abatement of the nuisance shall be 30 days.
2. Contents of Notice to Property Owner. The notice to abate shall contain: †
  - A. Order to Abate. An order to abate the nuisance or request a hearing within a stated time, which shall be reasonable under the circumstances, but not to exceed 30 days.
  - B. Description of Nuisance. A description of what constitutes the nuisance.

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† **EDITOR'S NOTE:** The Nuisance Abatement Order is included in the Appendix of this Code of Ordinances.

- C. Location of Nuisance. The location of the nuisance.
- D. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
- E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.
3. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.  
*(Code of Iowa, Sec. 364.12[3h])*
4. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Mayor or Mayor Pro-Tem 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 Mayor or Mayor Pro-Tem at a time and place fixed by the Mayor or Mayor Pro-Tem. The findings of the Mayor or Mayor Pro-Tem shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.
5. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The City shall assess the costs as provided in subsection 6 of this section after notice to the property owner under the applicable provisions of subsection 1 and 2, and the hearing as provided in subsection 3.  
*(Code of Iowa, Sec. 364.12[3h])*
6. 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])*
7. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.  
*(Code of Iowa, Sec. 364.12[3h])*
8. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds five hundred dollars (\$500.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.  
*(Code of Iowa, Sec. 364.13)*
9. Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.



**50.07 MUNICIPAL INFRACTION ABATEMENT PROCEDURE.** In lieu of the abatement procedures set forth in Section 50.06, the requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Chapter 3 of this Code of Ordinances.

**50.08 LIABILITY.** The owners, agents, contract buyers, tenants, or lessees of all residential dwellings, commercial establishments, and/or real estate upon which a violation of this chapter is found shall be jointly and severally responsible for compliance with this chapter and jointly and severally liable for any damages or costs incurred and awarded under this chapter.

**50.09 POWERS OF CITY STAFF.** A City official may enter onto and into open, unobstructed property and structures to investigate, locate, and identify nuisances enumerated in this chapter which occur on real estate in the City. Employees of the City shall have full authority to declare a condition to be a public nuisance and issue appropriate notices provided for by this chapter. Thereafter, the City official shall take action as required and permitted by this chapter. City officials shall have all powers and authority necessary to cause the abatement of the nuisance under this chapter.

**50.10 SEARCH WARRANT.** If entry onto real estate for the purposes described in Section 50.09 of this chapter is refused, the City official may obtain an administrative search warrant as provided by law to gain entry onto the real estate for purpose of inspection.

**50.11 INTERFERENCE PROHIBITED.** Interference with the lawful removal of a nuisance by the City is prohibited.

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## CHAPTER 51

# JUNK AND JUNK VEHICLES

### 51.01 Definitions

### 51.02 Junk and Junk Vehicles Prohibited

### 51.03 Junk and Junk Vehicles a Nuisance

### 51.04 Exceptions

### 51.05 Notice to Abate

### 51.06 Imminent Danger

### 51.07 Outdoor Storage of Motor Vehicles

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

1. “Conceal” means to obscure or hide an object so that the object cannot be observed from any street or adjacent or other property or residence.
2. “Enclosed structure” means any structure or portion thereof built for the enclosure of property, containing a roof and having exterior walls of the structure or portion thereof constructed in such a manner as to obscure from any street or adjacent property any contents thereof and being of a permanent nature.
3. “Inoperable” means not capable of being used or operated.
4. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
5. “Junk vehicle” means any vehicle, trailer or semi-trailer, whether currently licensed or not, which has any one of the following characteristics:
  - A. Any vehicle not capable of being driven from the place of its location under its own power without additional parts or repairs thereon.
  - B. Any vehicle, trailer, or semi-trailer that is rendered inoperable because of a missing or broken windshield or window glass, fender, door, bumper, hood, steering wheel, driver’s seat, trunk, fuel tank, engine, drive shaft, differential, battery, generator or alternator or other component part of an electrical system, or any component or structural part.
  - C. Any vehicle, trailer, or semi-trailer that lacks current registration.
  - D. Any vehicle, trailer, or semi-trailer not equipped with the number of inflated tires necessary for its operation.
  - E. Any vehicle, trailer, or semi-trailer that has become the habitat of rats, mice, snakes or any other vermin or insects.
  - F. Any vehicle, trailer, or semi-trailer that contains stored gasoline or other fuel, paper, cardboard, wood or other combustible materials, garbage, refuse, solid waste, debris, etc.
  - G. Any vehicle, trailer, or semi-trailer used for storage purposes or for the harborage, cage or dwelling for animals of any kind.

- H. Any vehicle, trailer, or semi-trailer that contains gasoline or any flammable fuel and is not operative.
- I. Any vehicle, trailer, or semi-trailer that, because of its defective or obsolete condition, in any other way constitutes a threat to the public safety of the citizens of the City.
- J. Any vehicle, trailer, or semi-trailer that, by reason of its condition, can no longer be used for the purposes for which it was designed and is unfit for legal use upon a public highway.
6. “Restoration vehicle” means an antique or classic vehicle actively being restored or being kept for the purpose of restoring for a period not to exceed 24 months.
7. “Semi-trailer” means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
8. “Trailer” means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
9. “Vehicle” means an automobile, truck, motorcycle, or other trackless self-propelled vehicle designed primarily to transport persons or property over public streets and highways.

**51.02 JUNK AND JUNK VEHICLES PROHIBITED.** It is unlawful for any person to store, accumulate, or allow to remain on any private or public property within the corporate limits of the City any junk or junk vehicle for more than forty-eight (48) hours.

**51.03 JUNK AND JUNK VEHICLES A NUISANCE.** It is hereby declared that any junk or junk vehicle located upon private or public property for more than forty-eight (48) hours, unless excepted by Section 51.04, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the *Code of Iowa*. If any junk or junk vehicle is kept upon private or public property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

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

**51.04 EXCEPTIONS.** The provisions of this chapter do not apply to:

1. Any junk or junk vehicle stored within a garage or other enclosed structure.
2. Any junk or junk vehicle stored within areas of the City zoned and classified for outside storage, provided that the area in question meets all requirements of City ordinances pertaining to said classification.
3. Restoration vehicles, which would otherwise constitute a junk vehicle, which are kept concealed and enclosed behind an opaque wall at least six (6) feet in height.

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

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

**51.06 IMMINENT DANGER.** If, in the opinion of the Police Department, a condition exists, as described in this chapter, which constitutes imminent danger to the public, immediate action may be taken to correct the condition, including entry upon premises, modification of any vehicle or machinery, immediate removal of the same, or any other steps necessary to alleviate the existing danger.

**51.07 OUTDOOR STORAGE OF MOTOR VEHICLES.** Inasmuch as it is found that the outdoor storage of motor vehicles that are not deemed to be junk can detract from the beneficial use and enjoyment of neighboring properties, certain special regulations are established as follows:

1. No person shall keep, store or display one or more motor vehicles outdoors on property zoned for residential use, or permit the parking outdoors of a motor vehicle on residentially zoned property under such person's ownership, possession, or control for more than fifteen (15) days without movement and use of said vehicle as an operating motor vehicle.
2. Storage of motor vehicles shall be on a driveway or hard surface, dust free parking area. Each resident may be allowed one gravel storage area separate from the driveway for use of storing one vehicle as long as the area contains some form of dust control and remains clear of weeds and debris. This section in no way allows for the construction of new gravel driveways within the City.
3. No person shall store or display one or more motor vehicles outdoors on property zoned for commercial use, or permit the parking outdoors of a motor vehicle on commercial zoned property under such person's ownership, possession, or control for more than one year without movement and use of said vehicle as an operating motor vehicle.
4. The provisions of subsection 2 notwithstanding, the keeping, parking, or storage outdoors of any wrecked or demolished motor vehicle, or motor vehicle stripped for parts, at the same commercial zoned property for more than 180 days is prohibited.
5. The following are exempt from the regulations of this section:
  - A. Vehicles kept in a garage or other enclosed structure or which are kept concealed and enclosed behind an opaque wall at least six feet in height.
  - B. Vehicles kept in commercial automobile salvage yards.
  - C. A pickup truck with camper top or converted bus or van, currently licensed for operation and operable on the public highway.
  - D. A motor vehicle currently licensed for operation on the public highway and lawfully parked off the streets while the owner or other person in lawful possession and control thereof, if a resident of this City, is out of the City for more than 15 days but not more than 180 days.
  - E. Vehicles that are immobilized pursuant to an immobilization order of the District Court.
  - F. Vehicles completely concealed under a form-fitting commercially made cloth vehicle cover.

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## CHAPTER 52

# WEEDS AND GRASS

52.01 Weed and Grass Control  
52.02 Nuisance Violation  
52.03 Notice to Abate Nuisance

52.04 Notice of Appeal  
52.05 Failure to Comply

**52.01 WEED AND GRASS CONTROL.** The provisions of this chapter apply to all noxious weeds (as defined by the State of Iowa Department of Agriculture) and all grass, weeds, brush, vines, and other dense and rank growth upon public or private property to the centerline of streets and alleys adjacent thereto with the exception of agriculture and undeveloped ground, as provided herein.

**52.02 NUISANCE VIOLATION.** A weed and grass control nuisance violation is created when:

1. Grass, weeds, brush, vines or other rank growth in excess of eight (8) inches exist on public or private property to the centerline of streets and alleys.
2. Grass, weeds, brush, vines or other rank growth in excess of eighteen (18) inches exists on property that is platted as a lawful subdivision and/or is part of a planned development that has received approval from the City. Property owners will have to show proof that the lots are being actively marketed for sale.
3. Grass, weeds, brush, vines or other rank growth in excess of eighteen (18) inches exists within 20 feet of the exterior perimeter of property that is zoned for agricultural purposes and is used for the raising of crops, livestock, or other use as allowed by this Code of Ordinances.

**52.03 NOTICE TO ABATE NUISANCE.** Whenever a weed and grass control nuisance exists upon any property, a City official may serve notice upon the owner, owner's agent, or occupant of the property to abate the nuisance within a period of no less than 48 or longer than 96 hours if the City official determines it necessary to avoid undue hardship. Such notice shall be made by one of the following methods: posting the notice in a conspicuous place upon the premises where the nuisance exists, U.S. certified mail, or regular U.S. mail service.

**52.04 NOTICE OF APPEAL.** Should the property owner wish to appeal the decision of the City Official, said property owner may request a hearing with the City Manager and Police Chief. Such appeal shall be in writing and must be presented at City Hall within 36 hours of initial notification. The City Manager and Police Chief will review the appeal and render a decision within 24 hours. Once rendered, the decision shall be final and the property owner shall be required to comply with any order issued.

**52.05 FAILURE TO COMPLY.** Upon failure to comply with such notice, the City may either abate the nuisance, with costs certified to the City Council, paid by the City, and certified to the County Treasurer for property assessment and collection as taxes; and/or the City may file a municipal infraction charge against the property owner, owner's agent, or occupant in accordance with Chapter 3 of this Code of Ordinances. Any person who commits the same offense within the same calendar year after the initial notification and abatement may

be charged with a municipal infraction, without notice, and the violation may be abated without further notice.

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## CHAPTER 55

# ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.12 Tethering of Animals
55.02 Prohibited Animals	55.13 Annoyance or Disturbance
55.03 Immunization	55.14 Number of Animals
55.04 Licensing	55.15 Unhealthful or Unsanitary Conditions
55.05 Abandonment	55.16 Kennels
55.06 Neglect, Injuries and Cruelty to Animals	55.17 Pigeon and Dove Lofts
55.07 Livestock Neglect	55.18 Peace Officer's Right to Euthanize
55.08 Animals Running at Large; Leash Law	55.19 At Large: Impoundment
55.09 Owner's Duty	55.20 Disposition of Animals
55.10 Confinement	55.21 Impounding Costs
55.11 Damage or Interference	55.22 Pet Awards Prohibited

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

1. "Abandon" means failure to provide adequate care for a period of 24 hours or to cease to provide control over and shelter, food, and water for an animal without having made satisfactory arrangements for care, custody, and physical control of such animal.
2. "Adequate food" means providing at suitable intervals of not more than 24 hours if the dietary requirements of the species so require, a quantity of wholesome foodstuff, suitable for the physical condition and age of the animal, served in a clean container, sufficient to maintain an adequate level of nutrition for such animal.
3. "Adequate sanitation" means cleaning or sanitizing of enclosures and housing facilities to remove excreta and other waste materials and dirt so as to minimize health hazards, flies, and odors.
4. "Adequate shelter" means a structurally sound and weatherproof shelter made up of solid sides, a roof and a floor off the ground, which provides access to shade from direct sunlight and protection from exposure to weather conditions.
5. "Adequate space" means primary enclosures and housing facilities constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement to maintain physical condition. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress or abnormal behavior patterns.
6. "Adequate veterinary care" means prompt and reasonable care provided to a sick, diseased, or injured animal with a proper program of continuing care by a veterinarian or euthanasia in a manner deemed appropriate by the City.
7. "Adequate water" means reasonable access to a supply of clean, fresh, potable water, provided in a sanitary manner.
8. "Advertise" means to present a commercial message in any medium, including (but not limited to) print, radio, television, sign, display, label, tag, or articulation.
9. "Animal" means any living creature, domestic or wild, except a human being.

10. “At large” means found off the premises of his owner or custodian and not on a leash under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
11. “Business” means any enterprise relating to any of the following:
  - A. The sale or offer for sale of goods or services.
  - B. A recruitment for employment or membership in an organization.
  - C. A solicitation to make an investment.
  - D. An amusement or entertainment activity.
12. “Cat” means both male and female animals of the domestic feline species.
13. “Dog” means both male and female animals of the *Canis familiaris* species, whether altered or not.
14. “Euthanasia” means the humane destruction of an animal accomplished by a method that involves instantaneous and immediate death or a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during the loss of consciousness.
15. “Fair” means any of the following:
  - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
  - B. An exhibition of agricultural or manufactured products.
  - C. An event for operation of amusement rides or devices or concession booths.
16. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the *Code of Iowa*.
17. “Guard dog” or “attack dog” means a dog trained to attack persons upon the command of its master or custodian or upon the actions of an individual.
18. “Kennel” means any lot, building, structure, enclosure, or premises where four or more dogs or four or more cats over the age of four months are kept or maintained for any purpose.
19. “Leash” means a rope, line, thong, chain, or other similar restraint, not more than ten feet in length, or a retractable leash of not more than 25 feet when fully extended, of sufficient strength to hold the animal in check.
20. “Livestock” means any domestic animal commonly raised solely for food or commerce, and includes, but is not limited to, any cattle, horses, swine of all varieties (including pot bellied pigs), sheep, llamas, goats, guinea fowl, ostriches, emus, poultry (chicken, turkeys, geese, and ducks), or other similar animals or fowl or any other animals not commonly considered to be household pets, and bees kept for any purpose.
21. “Owner” means any person, firm, association, or corporation owning, keeping, sheltering, or harboring an animal.
22. “Pet shop” means any place of business or other commercial establishment where animals are bought, sold, exchanged, or offered for sale.

23. “Pigeon or dove loft” means any cage, loft, or enclosure or combination thereof where five or more pigeons or doves are kept or maintained.

24. “Private property” means all buildings and other property owned by a private person, including buildings, yards, and service and parking areas.

25. “Public property” means buildings, streets, parks, parking lots, rights-of-way, or other public property owned or dedicated to the use of the City and other governmental agencies.

26. “Vicious animal” means any animal that, without provocation, bites or attacks humans or any other animals, or in a vicious or terrifying manner approaches any person or other animal in an apparent attack posture, whether or not the attack is consummated; or any dog that has been trained for dog/animal fighting, or a dog that is kept for the purpose of dog/animal fighting, or any dog that has been trained as an attack or fighting dog, or any dog that is kept as a guard or attack dog except as otherwise provided by State or Local law; or any animal that has been deemed vicious by the Court, County Board of Health, City Council, or any other governing body.

**55.02 PROHIBITED ANIMALS.** No person shall harbor, keep as a pet, act as temporary custodian for, or shelter within the City any livestock or vicious animal or any other animals that tend to disrupt the peace and good order of the community, except as provided in this section:

1. Vicious Animal Exceptions. The prohibition contained in this section shall not apply to the keeping of vicious animals that are under the control of a law enforcement or military agency.
2. Livestock Exception. Livestock may be kept in areas of the City zoned for or allowing agricultural purposes.

Any livestock or vicious animal found in the City in violation of this section is subject to immediate seizure and impoundment as a public nuisance per se. The animal may be placed in the care of a facility licensed by the State, with the ability to care for the animal properly. If no such facility can be contacted within a reasonable time, or if for any reason, the animal cannot be safely captured and held humanely, in the interest of the public safety and the welfare of the animal, it may be euthanized immediately without prior notice to the owner thereof. The City and its agents shall be under no duty or obligation to capture or otherwise confine the animal. The animal’s owner shall be responsible for all costs and expenses incurred by the City that arise as a result of the seizure and impoundment of livestock or a vicious animal.

**55.03 IMMUNIZATION.** It is unlawful for any person to own, keep, or harbor a cat, dog, or ferret over six (6) months of age, which has not been currently vaccinated against rabies. Any dog, cat, or ferret acquired by a resident of the City shall be vaccinated for rabies by a licensed veterinarian within 30 days after such acquisition or when said animal reaches the age of 6 months, whichever occurs later. Every cat, dog, or ferret over 6 months of age shall wear a collar with a valid rabies vaccination tag attached to the collar when outside the owner’s dwelling. The owner of any dog, cat, or ferret within the City which is subject to vaccination in accordance with the provisions of this chapter shall have such dog, cat, or ferret vaccinated against rabies by a licensed veterinarian annually or in such other way as to maintain said dog, cat, or ferret’s immunity from rabies.

**55.04 LICENSING.** Cats, dogs, and ferrets shall be licensed by their owners through the procedure by which the rabies vaccination tag and certificate are obtained. The rabies vaccination tag and certificate shall be the license required to this chapter.

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

**55.06 NEGLECT, INJURIES AND CRUELTY TO ANIMALS.**

1. No person shall confine an animal without adequate food, adequate water, adequate shelter, adequate space, adequate sanitation, or adequate veterinary care; or fail to supply adequate food, adequate water, adequate sanitation, or adequate veterinary care to an unconfined animal owned or cared for by the person; or cause unnecessary pain and suffering to an animal by failing to adequately tend to the animal's health needs or grooming.

2. No person, having no right to do so, shall maliciously harass, torture, torment, mutilate, kill, maim, or disfigure any animal or maliciously administer poison to any such animal, or expose any poisonous substance with the intent that the same should be taken by any such animal.

3. No person shall expose any poison, poisonous meat, or poisonous substance anywhere within the City. The use of poison other than one specifically produced for exterminating insects, mice, or rats shall be prima facie evidence of a violation of this section.

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

*(Code of Iowa, Sec. 717.2)*

**55.08 ANIMALS RUNNING AT LARGE; LEASH LAW.** It is unlawful for the owner or custodian of any dog, cat, cow or bull, horse, swine, sheep, or other similar animals or fowl to fail to keep the same from running at large within the corporate limits of the City. Every animal outside a structure, kennel, or wholly enclosed fenced yard (this includes operational underground security fences) shall be either on a tether of sufficient strength to restrain the animal securely fastened to an immovable object, or on a fixed-length leash of not more than ten (10) feet in length and of sufficient strength to restrain the animal when the leash is held by a person capable of restraining and controlling the animal. Voice command is sufficient to meet the requirements of this section as long as the animal is wholly on the owner's property of record. Once off the owner's property, the animal must be restrained as stated above.

**55.09 OWNER'S DUTY.** It is the duty of the owner of any dog, cat, or other animal that has bitten or attacked a person, or any person having knowledge of such bite or attack, to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the Cedar County Health Department and the City the existence of any animal known or suspected to be suffering from rabies.

**55.10 CONFINEMENT.** When a peace officer, City employee, Council member, or Mayor 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, and after ten days the City may euthanize the animal. Regardless of the disposition of the animal, the owner shall pay the cost of impoundment.

**55.11 DAMAGE OR INTERFERENCE.** It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another, thereby causing damage to or interference with the premises or the destruction of any shrubbery, plants, flowers, grass, fence, or anything whatsoever upon public or private property.

**55.12 TETHERING OF ANIMALS.** No person shall stake or otherwise tie or fasten an animal in a way that permits the animal to pass onto, over, or across any public property, sidewalk, street or alley, or private property other than the property of the owner.

**55.13 ANNOYANCE OR DISTURBANCE.** It is unlawful for the owner of a dog or cat to fail to keep such dog or cat from causing serious annoyance or disturbance to any person or persons by disrupting the peace and good order of the community by making loud noises, including regular, frequent, continual or habitual barking, yelping, yowling, or howling, or by running after or chasing persons, bicycles, automobiles or other vehicles.

**55.14 NUMBER OF ANIMALS.** No person shall keep or maintain at any one location within the City more than four (4) dogs, cats, or ferrets, and of those, no more than three shall be of the same species over six months of age. This limitation shall not apply to a bona fide pet store in an area appropriately zoned, or to a licensed kennel or veterinary hospital or clinic. No person shall harbor or maintain such a number of animals as to create unhealthful or unsanitary conditions for the humans or animals occupying the premises or create any other conditions constituting a nuisance.

**55.15 UNHEALTHFUL OR UNSANITARY CONDITIONS.**

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

**55.16 KENNELS.** Kennels are prohibited in districts zoned residential. Kennels shall be allowed only in agricultural or industrial zoned areas and must comply with State rules and regulations.

**55.17 PIGEON AND DOVE LOFTS.** Pigeon and dove lofts are prohibited in districts zoned residential. Lofts shall be allowed only in areas zoned agricultural or industrial. Pigeon and dove lofts located in areas zoned residential which were in operation prior to the date of adoption of the ordinance codified in this chapter may remain in place and in operation with a permit from the City. After a permitted loft is abandoned, the permit is void and shall not be renewed.

**55.18 PEACE OFFICER'S RIGHT TO EUTHANIZE.** Notwithstanding any other provision of this chapter, it is the right of any peace officer in the corporate limits of the City to euthanize any animal – wild or domestic – exclusive of whether the animal is tagged or licensed, restrained, or at large, if the animal presents an imminent danger to itself or the citizens of the City because the animal is ill, injured, or vicious. The animal may be euthanized either by shooting it or by other humane means immediately at the officer's disposal.

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

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

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

**55.21 IMPOUNDING COSTS.** Impounding costs are a \$50.00 City impoundment fee plus boarding costs, as established by the impoundment facilities.

*(Code of Iowa, Sec. 351.37)*

**55.22 PET AWARDS PROHIBITED.**

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

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
  - A. A prize for participating in a game.
  - B. A prize for participating in a fair.
  - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
  - D. An inducement or condition for executing a contract that includes provisions unrelated to the ownership, care or disposition of the pet.
2. Exceptions. This section does not apply to any of the following:
  - A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.

B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

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## CHAPTER 60

# ADMINISTRATION OF TRAFFIC CODE

60.01 Title

60.02 Definitions

60.03 Administration and Enforcement

60.04 Power to Direct Traffic

60.05 Traffic Accidents: Reports

60.06 Peace Officer's Authority

60.07 Obedience to Peace Officers

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

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

*(Code of Iowa, Sec. 321.1)*

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 321.273)*

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

*(Code of Iowa, Sec. 321.492)*

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

*(Code of Iowa, Sec. 321.229)*

**CHAPTER 61**  
**TRAFFIC CONTROL DEVICES**

61.01 Installation  
61.02 Crosswalks  
61.03 Traffic Lanes

61.04 Standards  
61.05 Compliance

**61.01 INSTALLATION.** The Police Chief shall cause to be placed and maintained traffic control devices when and as required under this Traffic Code or under State law or emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate, guide or warn traffic. The Police Chief shall keep a record of all such traffic control devices.

*(Code of Iowa, Sec. 321.255)*

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

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

**61.03 TRAFFIC LANES.** The Police Chief is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with this Traffic Code. Where such traffic lanes have been marked, it is unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

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

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

*(Code of Iowa, Sec. 321.255)*

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

*(Code of Iowa, Sec. 321.256)*

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## CHAPTER 62

# GENERAL TRAFFIC REGULATIONS

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

62.05 Quiet Zones  
62.06 Obstructing View at Intersections  
62.07 Engine Brakes

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

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.20B – Proof of security against liability — driving without liability coverage.
3. Section 321.25 – Application for registration and title — cards attached.
4. Section 321.32 – Registration card, carried and exhibited; exception.
5. Section 321.34 – Plates or validation sticker furnished — retained by owner — special plates.
6. Section 321.37 – Display of plates.
7. Section 321.38 – Plates, method of attaching, imitations prohibited.
8. Section 321.57 – Operation under special plates.
9. Section 321.67 – Certificate of title must be executed.
10. Section 321.78 – Injuring or tampering with vehicle.
11. Section 321.79 – Intent to injure.
12. Section 321.91 – Penalty for abandonment.
13. Section 321.98 – Operation without registration.
14. Section 321.99 – Fraudulent use of registration.
15. Section 321.104 – Penal offenses again title law.
16. Section 321.115 – Antique vehicles; model year plates permitted.
17. Section 321.174 – Operators licensed.
18. Section 321.174A – Operation of motor vehicles with expired license.
19. Section 321.178 – Driver education — restricted license — reciprocity.
20. Section 321.180 – Instruction permits.
21. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
22. Section 321.193 – Restricted licenses.

23. Section 321.194 – Special minor’s licenses.
24. Section 321.208A – Operation in violation of out-of-service order.
25. Section 321.216 – Unlawful use of license and nonoperator’s identification card.
26. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.
27. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.
28. Section 321.218 – Operating without valid driver’s license or when disqualified.
29. Section 321.219 – Permitting unauthorized minor to drive.
30. Section 321.220 – Permitting unauthorized person to drive.
31. Section 321.221 – Employing unlicensed chauffeur.
32. Section 321.222 – Renting motor vehicle to another.
33. Section 321.223 – License inspected.
34. Section 321.224 – Record kept.
35. Section 321.232 – Speed detection jamming devices; penalty.
36. Section 321.234A – All-terrain vehicles.
37. Section 321.235A – Electric personal assistive mobility devices.
38. Section 321.247 – Golf cart operation on City streets.
39. Section 321.256 – Obedience to official traffic-control devices.
40. Section 321.257 – Official traffic control signal.
41. Section 321.259 – Unauthorized signs, signals or markings.
42. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
43. Section 321.262 – Damage to vehicle.
44. Section 321.263 – Information and aid.
45. Section 321.264 – Striking unattended vehicle.
46. Section 321.265 – Striking fixtures upon a highway.
47. Section 321.266 – Reporting accidents.
48. Section 321.275 – Operation of motorcycles and motorized bicycles.
49. Section 321.276 – Use of electronic communication device while driving; text-messaging.
50. Section 321.277 – Reckless driving.
51. Section 321.277A – Careless driving.
52. Section 321.278 – Drag racing prohibited.

53. Section 321.281 – Actions against bicyclists.
54. Section 321.284 – Open container; drivers.
55. Section 321.284A – Open container; passengers.
56. Section 321.288 – Control of vehicle; reduced speed.
57. Section 321.295 – Limitation on bridge or elevated structures.
58. Section 321.297 – Driving on right-hand side of roadways; exceptions.
59. Section 321.298 – Meeting and turning to right.
60. Section 321.299 – Overtaking a vehicle.
61. Section 321.302 – Overtaking and passing.
62. Section 321.303 – Limitations on overtaking on the left.
63. Section 321.304 – Prohibited passing.
64. Section 321.305 – One-way roadways and rotary traffic islands.
65. Section 321.306 – Roadways laned for traffic.
66. Section 321.307 – Following too closely.
67. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
68. Section 321.309 – Towing; convoys; drawbars.
69. Section 321.310 – Towing four-wheel trailers.
70. Section 321.312 – Turning on curve or crest of grade.
71. Section 321.313 – Starting parked vehicle.
72. Section 321.314 – When signal required.
73. Section 321.315 – Signal continuous.
74. Section 321.316 – Stopping.
75. Section 321.317 – Signals by hand and arm or signal device.
76. Section 321.318 – Method of giving hand and arm signals.
77. Section 321.319 – Entering intersections from different highways.
78. Section 321.320 – Left turns; yielding.
79. Section 321.321 – Entering through highways.
80. Section 321.322 – Vehicles entering stop or yield intersection.
81. Section 321.323 – Moving vehicle backward on highway.
82. Section 321.323A – Approaching certain stationary vehicles.
83. Section 321.324 – Operation on approach of emergency vehicles.
84. Section 321.324A – Funeral processions.
85. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
86. Section 321.330 – Use of crosswalks.

87. Section 321.332 – White canes restricted to blind persons.
88. Section 321.333 – Duty of drivers approaching blind persons.
89. Section 321.340 – Driving through safety zone.
90. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.
91. Section 321.342 – Stop at certain railroad crossings; posting warning.
92. Section 321.343 – Certain vehicles must stop.
93. Section 321.344 – Heavy equipment at crossing.
94. Section 321.344B – Immediate safety threat; penalty.
95. Section 321.354 – Stopping on traveled way.
96. Section 321.358 – Stopping, standing or parking.
97. Section 321.359 – Moving other vehicle.
98. Section 321.362 – Unattended motor vehicle.
99. Section 321.363 – Obstruction to driver’s view.
100. Section 321.364 – Vehicles shipping food; preventing contamination by hazardous material.
101. Section 321.365 – Coasting prohibited.
102. Section 321.367 – Following fire apparatus.
103. Section 321.368 – Crossing fire hose.
104. Section 321.369 – Putting debris on highway.
105. Section 321.370 – Removing injurious material.
106. Section 321.371 – Clearing up wrecks.
107. Section 321.372 – School buses.
108. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
109. Section 321.381A – Operation of low-speed vehicles.
110. Section 321.382 – Upgrade pulls; minimum speed.
111. Section 321.383 – Exceptions; slow vehicles identified.
112. Section 321.384 – When lighted lamps required.
113. Section 321.385 – Head lamps on motor vehicles.
114. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
115. Section 321.387 – Rear lamps.
116. Section 321.388 – Illuminating plates.
117. Section 321.389 – Reflector requirement.
118. Section 321.390 – Reflector requirements.
119. Section 321.392 – Clearance and identification lights.



120. Section 321.393 – Color and mounting.
121. Section 321.394 – Lamp or flag on projecting load.
122. Section 321.395 – Lamps on parked vehicles.
123. Section 321.398 – Lamps on other vehicles and equipment.
124. Section 321.402 – Spot lamps.
125. Section 321.403 – Auxiliary driving lamps.
126. Section 321.404 – Signal lamps and signal devices.
127. Section 321.404A – Light-restricting devices prohibited.
128. Section 321.405 – Self-illumination.
129. Section 321.408 – Back-up lamps.
130. Section 321.409 – Mandatory lighting equipment.
131. Section 321.415 – Required usage of lighting devices.
132. Section 321.417 – Single-beam road-lighting equipment.
133. Section 321.418 – Alternate road-lighting equipment.
134. Section 321.419 – Number of driving lamps required or permitted.
135. Section 321.420 – Number of lamps lighted.
136. Section 321.421 – Special restrictions on lamps.
137. Section 321.422 – Red light in front.
138. Section 321.423 – Flashing lights.
139. Section 321.430 – Brake, hitch, and control requirements.
140. Section 321.431 – Performance ability.
141. Section 321.432 – Horns and warning devices.
142. Section 321.433 – Sirens, whistles, and bells prohibited.
143. Section 321.434 – Bicycle sirens or whistles.
144. Section 321.436 – Mufflers, prevention of noise.
145. Section 321.437 – Mirrors.
146. Section 321.438 – Windshields and windows.
147. Section 321.439 – Windshield wipers.
148. Section 321.440 – Restrictions as to tire equipment.
149. Section 321.441 – Metal tires prohibited.
150. Section 321.442 – Projections on wheels.
151. Section 321.444 – Safety glass.
152. Section 321.445 – Safety belts and safety harnesses; use required.
153. Section 321.446 – Child restraint devices.
154. Section 321.449 – Motor carrier safety regulations.
155. Section 321.449A – Rail crew transport drivers.
156. Section 321.450 – Hazardous materials transportation.
157. Section 321.454 – Width of vehicles.
158. Section 321.455 – Projecting loads on passenger vehicles.

159. Section 321.456 – Height of vehicles; permits.
160. Section 321.457 – Maximum length.
161. Section 321.458 – Loading beyond front.
162. Section 321.460 – Spilling loads on highways.
163. Section 321.461 – Trailers and towed vehicles.
164. Section 321.462 – Drawbars and safety chains.
165. Section 321.463 – Maximum gross weight.
166. Section 321.465 – Weighing vehicles and removal of excess.
167. Section 321.466 – Increased loading capacity; reregistration.

**62.02 PLAY STREETS DESIGNATED.** The Police Chief shall have authority to declare any street or part thereof a play street and cause to be placed appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

*(Code of Iowa, Sec. 321.255)*

**62.03 VEHICLES ON SIDEWALKS.** The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

**62.04 CLINGING TO VEHICLE.** No person shall drive a motor vehicle on the streets of the City unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodation. No person riding upon any bicycle, coaster, roller skates, in-line skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

**62.05 QUIET ZONES.** Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

**62.06 OBSTRUCTING VIEW AT INTERSECTIONS.** It is unlawful to allow any tree, hedge, billboard, or other object to obstruct the view of an intersection by preventing persons from having a clear view of traffic approaching the intersection from cross streets. Any such obstruction is deemed a nuisance and in addition to the standard penalty may be abated in the manner provided by Chapter 50 of this Code of Ordinances.

**62.07 ENGINE BRAKES.** It is unlawful for the driver of any vehicle to use or operate within the City any engine brake, compression brake, or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle, which results in excessive, loud, unusual, or explosive noise from such vehicle, except in the case of an emergency.

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## CHAPTER 63

# SPEED REGULATIONS

### 63.01 General

### 63.02 State Code Speed Limits

### 63.03 Parks, Cemeteries, and Parking Lots

### 63.04 Special Speed Zones

### 63.05 Minimum Speed

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

*(Code of Iowa, Sec. 321.285)*

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

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

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

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

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

*(Code of Iowa, Sec. 321.290)*

1. Special 20 MPH Speed Zones. A speed in excess of twenty miles per hour is unlawful on any of the following designated streets or parts thereof.
  - A. On Cedar Street from 2<sup>nd</sup> Street to 6<sup>th</sup> Street.
  - B. On East 6<sup>th</sup> Street from Walnut Street to Mulberry Street.
  - C. On Walnut Street from East 5<sup>th</sup> Street to East 6<sup>th</sup> Street.
2. Special 25 MPH Speed Zones. A speed in excess of twenty-five miles per hour is unlawful on any of the following designated streets or parts thereof.
  - A. On 7<sup>th</sup> Street from 150 feet west of Claire Street to Cedar Street.

3. Special 30 MPH Speed Zones. A speed in excess of thirty miles per hour is unlawful on any of the following designated streets or parts thereof.
  - A. On South Street from Orange Street to Cedar Street.
  - B. On Cedar Street from South Street to 2<sup>nd</sup> Street.
  - C. On Cedar Street from 6<sup>th</sup> Street to 600 feet north of 13<sup>th</sup> Street.
4. Special 35 MPH Speed Zones. A speed in excess of thirty-five miles per hour is unlawful on any of the following designated streets or parts thereof.
  - A. On South Street from the west City limits to Orange Street.
  - B. On West 9<sup>th</sup> Street from the west City limits to Lemon Street.
  - C. On North Lemon Street from the north City limits to 9<sup>th</sup> Street.
  - D. On Plum Street from the south City limits to South Street.
  - E. On Spruce Street from the south City limits to South Street.
5. Special 45 MPH Speed Zones. A speed in excess of forty-five miles per hour is unlawful on any of the following designated streets or parts thereof.
  - A. On Cedar Street from the south City limits to South Street.
  - B. On Cedar Street from 600 feet north of 13<sup>th</sup> Street to the north City limits.
  - C. On 7<sup>th</sup> Street from the east City limits to 150 feet west of Claire Street.

**63.05 MINIMUM SPEED.** A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

*(Code of Iowa, Sec. 321.294)*

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## CHAPTER 64

# TURNING REGULATIONS

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

**64.03 Left Turn for Parking**

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

*(Code of Iowa, Sec. 321.311)*

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

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

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

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

1. The 400 block of Cedar Street.
2. The 500 block of Cedar Street.
3. The 100 block of East 5<sup>th</sup> Street.
4. The 100 block of West 5<sup>th</sup> Street.

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

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## CHAPTER 65

### STOP OR YIELD REQUIRED

65.01 Stop Required  
65.02 Four-Way Stop Intersections  
65.03 Yield Required  
65.04 School Stops

65.05 Stop Before Crossing Sidewalk  
65.06 Stop When Traffic Is Obstructed  
65.07 Yield to Pedestrians in Crosswalks  
65.08 Official Traffic Controls

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

*(Code of Iowa, Sec. 321.345)*

1. Lemon Street. Vehicles traveling north on Lemon Street shall stop at West 9<sup>th</sup> Street.
2. Logan Avenue. Vehicles traveling south on Logan Avenue shall stop at West 9<sup>th</sup> Street.
3. Lemon Street. Vehicles traveling south on Lemon Street shall stop at West South Street.
4. Orange Street. Vehicles traveling on Orange Street shall stop at West 1<sup>st</sup> Street.
5. Orange Street. Vehicles traveling on Orange Street shall stop at West 2<sup>nd</sup> Street.
6. Orange Street. Vehicles traveling on Orange Street shall stop at West 3<sup>rd</sup> Street.
7. Orange Street. Vehicles traveling on Orange Street shall stop at West 4<sup>th</sup> Street.
8. Orange Street. Vehicles traveling on Orange Street shall stop at West 5<sup>th</sup> Street.
9. Orange Street. Vehicles traveling on Orange Street shall stop at West 6<sup>th</sup> Street.
10. Orange Street. Vehicles traveling on Orange Street shall stop at West 7<sup>th</sup> Street.
11. Orange Street. Vehicles traveling on Orange Street shall stop at West 8<sup>th</sup> Street.
12. Orange Street. Vehicles traveling north on Orange Street shall stop at West 9<sup>th</sup> Street.
13. Orange Street. Vehicles traveling south on Orange Street shall stop at West South Street.
14. Locust Street. Vehicles traveling on Locust Street shall stop at West 8<sup>th</sup> Street.
15. Locust Street. Vehicles traveling on Locust Street shall stop at West 7<sup>th</sup> Street.

16. Locust Street. Vehicles traveling on Locust Street shall stop at West 6<sup>th</sup> Street.
17. Locust Street. Vehicles traveling on Locust Street shall stop at West 4<sup>th</sup> Street.
18. Locust Street. Vehicles traveling on Locust Street shall stop at West 1<sup>st</sup> Street.
19. Locust Street. Vehicles traveling south on Locust Street shall stop at West South Street.
20. Locust Street. Vehicles traveling north on Locust Street shall yield at 9<sup>th</sup> Street.
21. Spruce Street. Vehicles traveling south on Spruce Street shall stop at West South Street.
22. Spruce Street. Vehicles traveling on Spruce Street shall stop at West 1<sup>st</sup> Street.
23. Sycamore Street. Vehicles traveling on Sycamore Street shall stop at West 9<sup>th</sup> Street.
24. Sycamore Street. Vehicles traveling on Sycamore Street shall stop at West 8<sup>th</sup> Street.
25. Sycamore Street. Vehicles traveling on Sycamore Street shall stop at West 7<sup>th</sup> Street.
26. Sycamore Street. Vehicles traveling on Sycamore Street shall stop at West 6<sup>th</sup> Street.
27. Sycamore Street. Vehicles traveling on Sycamore Street shall stop at West 5<sup>th</sup> Street.
28. Sycamore Street. Vehicles traveling on Sycamore Street shall stop at West 3<sup>rd</sup> Street.
29. Sycamore Street. Vehicles traveling on Sycamore Street shall stop at West 2<sup>nd</sup> Street.
30. Sycamore Street. Vehicles traveling on Sycamore Street shall stop at West 1<sup>st</sup> Street.
31. Sycamore Street. Vehicles traveling south on Sycamore Street shall stop at West South Street.
32. Lynn Street. Vehicles traveling south on Lynn Street shall stop at West South Street.
33. Lynn Street. Vehicles traveling on Lynn Street shall stop at West 1<sup>st</sup> Street.
34. Lynn Street. Vehicles traveling on Lynn Street shall stop at West 2<sup>nd</sup> Street.
35. Lynn Street. Vehicles traveling on Lynn Street shall stop at West 4<sup>th</sup> Street.
36. Lynn Street. Vehicles traveling on Lynn Street shall stop at West 5<sup>th</sup> Street.
37. Lynn Street. Vehicles traveling on Lynn Street shall stop at West 6<sup>th</sup> Street.
38. Lynn Street. Vehicles traveling on Lynn Street shall stop at West 7<sup>th</sup> Street.



39. Lynn Street. Vehicles traveling on Lynn Street shall stop at West 8<sup>th</sup> Street.
40. Lynn Street. Vehicles traveling on Lynn Street shall stop at West 9<sup>th</sup> Street.
41. Lynn Street. Vehicles traveling on Lynn Street shall stop at West 11<sup>th</sup> Street.
42. Meridian Street. Vehicles traveling south on Meridian Street shall stop at East South Street.
43. Meridian Street. Vehicles traveling on Meridian Street shall stop at East 1<sup>st</sup> Street.
44. Meridian Street. Vehicles traveling on Meridian Street shall stop at East 2<sup>nd</sup> Street.
45. Meridian Street. Vehicles traveling on Meridian Street shall stop at East 3<sup>rd</sup> Street.
46. Meridian Street. Vehicles traveling on Meridian Street shall stop at East 4<sup>th</sup> Street.
47. Meridian Street. Vehicles traveling on Meridian Street shall stop at East 5<sup>th</sup> Street.
48. Meridian Street. Vehicles traveling on Meridian Street shall stop at East 6<sup>th</sup> Street.
49. Meridian Street. Vehicles traveling on Meridian Street shall stop at East 7<sup>th</sup> Street.
50. Mulberry Street. Vehicles traveling south on Mulberry Street shall stop at East South Street.
51. Mulberry Street. Vehicles traveling on Mulberry Street shall stop at East 4<sup>th</sup> Street.
52. Mulberry Street. Vehicles traveling on Mulberry Street shall stop at East 5<sup>th</sup> Street.
53. Mulberry Street. Vehicles traveling on Mulberry Street shall stop at East 6<sup>th</sup> Street.
54. Mulberry Street. Vehicles traveling on Mulberry Street shall stop at East 7<sup>th</sup> Street.
55. Mulberry Street. Vehicles traveling on Mulberry Street shall stop at East 9<sup>th</sup> Street.
56. Mulberry Street. Vehicles traveling on Mulberry Street shall stop at East 10<sup>th</sup> Street.
57. Mulberry Street. Vehicles traveling on Mulberry Street shall stop at North Street.
58. Walnut Street. Vehicles traveling south on Walnut Street shall stop at East South Street.
59. Walnut Street. Vehicles traveling on Walnut Street shall stop at East 4<sup>th</sup> Street.
60. Walnut Street. Vehicles traveling north on Walnut Street shall stop at East 5<sup>th</sup> Street.

61. Walnut Street. Vehicles traveling south on Walnut Street shall stop at East 7<sup>th</sup> Street.
62. Walnut Street. Vehicles traveling on Walnut Street shall stop at East 8<sup>th</sup> Street.
63. Walnut Street. Vehicles traveling on Walnut Street shall stop at East 9<sup>th</sup> Street.
64. Walnut Street. Vehicles traveling on Walnut Street shall stop at East 10<sup>th</sup> Street.
65. Plum Street. Vehicles traveling south on Plum Street shall stop at East South Street.
66. Plum Street. Vehicles traveling on Plum Street shall stop at East 4<sup>th</sup> Street.
67. Plum Street. Vehicles traveling on Plum Street shall stop at East 5<sup>th</sup> Street.
68. Plum Street. Vehicles traveling on Plum Street shall stop at East 7<sup>th</sup> Street.
69. Plum Street. Vehicles traveling on Plum Street shall stop at East 10<sup>th</sup> Street.
70. Park Road. Vehicles traveling south on Park Road shall stop at East 7<sup>th</sup> Street.
71. East Street. Vehicles traveling north on East Street shall stop at East 7<sup>th</sup> Street.
72. East Street. Vehicles traveling on East Street shall stop at Inland Road.
73. Claire Street. Vehicles traveling north on Claire Street shall stop at East 7<sup>th</sup> Street.
74. South Street. Vehicles traveling on South Street shall stop at Cedar Street.
75. 1<sup>st</sup> Street. Vehicles traveling on 1<sup>st</sup> Street shall stop at Plum Street.
76. 1<sup>st</sup> Street. Vehicles traveling on 1<sup>st</sup> Street shall stop at Cedar Street.
77. 1<sup>st</sup> Street. Vehicles traveling on 1<sup>st</sup> Street shall stop at Lemon Street.
78. 2<sup>nd</sup> Street. Vehicles traveling west on 2<sup>nd</sup> Street shall stop at Lemon Street.
79. 2<sup>nd</sup> Street. Vehicles traveling on 2<sup>nd</sup> Street shall stop at Lynn Street.
80. 2<sup>nd</sup> Street. Vehicles traveling on 2<sup>nd</sup> Street shall stop at Cedar Street.
81. 2<sup>nd</sup> Street. Vehicles traveling on 2<sup>nd</sup> Street shall stop at Plum Street.
82. Inland Road. Vehicles traveling west on Inland Road shall stop at Plum Street.
83. 3<sup>rd</sup> Street. Vehicles traveling east on 3<sup>rd</sup> Street shall stop at Plum Street.
84. 3<sup>rd</sup> Street. Vehicles traveling on 3<sup>rd</sup> Street shall stop at Cedar Street.
85. 3<sup>rd</sup> Street. Vehicles traveling west on 3<sup>rd</sup> Street shall stop at Lemon Street.
86. 4<sup>th</sup> Street. Vehicles traveling on 4<sup>th</sup> Street shall stop at Lemon Street.
87. 4<sup>th</sup> Street. Vehicles traveling on 4<sup>th</sup> Street shall stop at Cedar Street.
88. 4<sup>th</sup> Street. Vehicles traveling east on 4<sup>th</sup> Street shall stop at East Street.

89. 5<sup>th</sup> Street. Vehicles traveling east on 5<sup>th</sup> Street shall stop at East Street.
90. 5<sup>th</sup> Street. Vehicles traveling on 5<sup>th</sup> Street shall stop at Walnut Street.
91. 5<sup>th</sup> Street. Vehicles traveling on 5<sup>th</sup> Street shall stop at Lynn Street.
92. 5<sup>th</sup> Street. Vehicles traveling on 5<sup>th</sup> Street shall stop at Locust Street.
93. 5<sup>th</sup> Street. Vehicles traveling on 5<sup>th</sup> Street shall stop at Lemon Street.
94. 6<sup>th</sup> Street. Vehicles traveling west on 6<sup>th</sup> Street shall stop at Lemon Street.
95. 6<sup>th</sup> Street. Vehicles traveling on 6<sup>th</sup> Street shall stop at Lynn Street.
96. 6<sup>th</sup> Street. Vehicles traveling on 6<sup>th</sup> Street shall stop at Cedar Street.
97. 6<sup>th</sup> Street. Vehicles traveling west on 6<sup>th</sup> Street shall stop at Plum Street.
98. 6<sup>th</sup> Street. Vehicles traveling east on 6<sup>th</sup> Street shall stop at East Street.
99. 7<sup>th</sup> Street. Vehicles traveling on 7<sup>th</sup> Street shall stop at Plum Street.
100. 7<sup>th</sup> Street. Vehicles traveling on 7<sup>th</sup> Street shall stop at Cedar Street.
101. 7<sup>th</sup> Street. Vehicles traveling on 7<sup>th</sup> Street shall stop at Sycamore Street.
102. 7<sup>th</sup> Street. Vehicles traveling on 7<sup>th</sup> Street shall stop at Locust Street.
103. 7<sup>th</sup> Street. Vehicles traveling on 7<sup>th</sup> Street shall stop at Lemon Street.
104. 8<sup>th</sup> Street. Vehicles traveling west on 8<sup>th</sup> Street shall stop at Lemon Street.
105. 8<sup>th</sup> Street. Vehicles traveling on 8<sup>th</sup> Street shall stop at Cedar Street.
106. 8<sup>th</sup> Street. Vehicles traveling east on 8<sup>th</sup> Street shall stop at Plum Street.
107. 9<sup>th</sup> Street. Vehicles traveling on 9<sup>th</sup> Street shall stop at Cedar Street.
108. 9<sup>th</sup> Street. Vehicles traveling east on 9<sup>th</sup> Street shall stop at Plum Street.
109. 10<sup>th</sup> Street. Vehicles traveling on 10<sup>th</sup> Street shall stop at Cedar Street.
110. 10<sup>th</sup> Street. Vehicles traveling east on 10<sup>th</sup> Street shall stop at Plum Street.
111. 11<sup>th</sup> Street. Vehicles traveling on 11<sup>th</sup> Street shall stop at Cedar Street.
112. North Street. Vehicles traveling west on North Street shall stop at Mulberry Street.
113. North Street. Vehicles traveling east on North Street shall stop at Plum Street.
114. 13<sup>th</sup> Street. Vehicles traveling on 13<sup>th</sup> Street shall stop at Cedar Street.
115. 13<sup>th</sup> Street. Vehicles traveling east on 13<sup>th</sup> Street shall stop at North Avenue.
116. Parkview Drive. Vehicles traveling west on Parkview Drive shall stop at Plum Street.
117. Spruce Street. Vehicles traveling south on Spruce Street shall stop at West South Street.
118. Horizon Drive. Vehicles traveling west on Horizon Drive shall stop at Plum Street.
119. Commerce Boulevard. Vehicles traveling west on Commerce Boulevard shall stop at Highway 38/South Cedar Street.

120. Summit Drive. Vehicles traveling west on Summit Drive shall stop at Cedar Valley Road/South Street.

121. Sand Trap Circle. Vehicles traveling west on Sand Trap Circle shall stop at Cedar Valley Road/South Street.

122. Parkview Drive. Vehicles traveling north on Parkview Drive shall stop at Horizon Drive.

123. Crestview Drive. Vehicles traveling south on Crestview Drive shall stop at 9<sup>th</sup> Street.

124. Sunrise Drive. Vehicles traveling west on Sunrise Drive shall stop at Plum Street.

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

*(Code of Iowa, Sec. 321.345)*

1. Intersection of 7<sup>th</sup> Street and Locust Street.
2. Intersection of 7<sup>th</sup> Street and Sycamore Street.
3. Intersection of 2<sup>nd</sup> Street and Lynn Street.
4. Intersection of 5<sup>th</sup> Street and Lynn Street.
5. Intersection of 6<sup>th</sup> Street and Lynn Street.
6. Intersection of 7<sup>th</sup> Street and Plum Street.

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

*(Code of Iowa, Sec. 321.345)*

1. Claire Street. Vehicles traveling on Claire Street shall yield at 6<sup>th</sup> Street.
2. Walnut Street. Vehicles traveling on Walnut Street shall yield at 1<sup>st</sup> Street.
3. Walnut Street. Vehicles traveling on Walnut Street shall yield at 3<sup>rd</sup> Street.
4. Mulberry Street. Vehicles traveling on Mulberry Street shall yield at 1<sup>st</sup> Street.
5. Mulberry Street. Vehicles traveling on Mulberry Street shall yield at 2<sup>nd</sup> Street.
6. Mulberry Street. Vehicles traveling on Mulberry Street shall yield at 3<sup>rd</sup> Street.
7. Meridian Street. Vehicles traveling on Meridian Street shall yield at 9<sup>th</sup> Street.
8. Meridian Street. Vehicles traveling north on Meridian Street shall yield at 10<sup>th</sup> Street.
9. Lynn Street. Vehicles traveling on Lynn Street shall yield at 3<sup>rd</sup> Street.
10. Lynn Street. Vehicles traveling on Lynn Street shall yield at 10<sup>th</sup> Street.
11. Sycamore Street. Vehicles traveling on Sycamore Street shall yield at 4<sup>th</sup> Street.
12. Pine Street. Vehicles traveling south on Pine Street shall yield at 2<sup>nd</sup> Street.
13. 10<sup>th</sup> Street. Vehicles traveling east on 10<sup>th</sup> Street shall yield at Plum Street when turning right.

14. 13<sup>th</sup> Street. Vehicles traveling east on 13<sup>th</sup> Street shall yield at Mulberry Street.

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

*(Code of Iowa, Sec. 321.249)*

1. West 8<sup>th</sup> Street and Lemon Street.
2. West 7<sup>th</sup> Street and Lemon Street.
3. East 7<sup>th</sup> Street and Plum Street.

**65.05 STOP BEFORE CROSSING SIDEWALK.** The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter shall proceed into the sidewalk area only when able to do so without danger to pedestrian traffic and shall yield the right-of-way to any vehicular traffic on the street into which the vehicle is entering.

*(Code of Iowa, Sec. 321.353)*

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

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

*(Code of Iowa, Sec. 321.327)*

**65.08 OFFICIAL TRAFFIC CONTROLS.** Every driver shall observe and comply with the directions provided by official traffic control signals at the following intersections:

*(Code of Iowa, Sec. 321.256)*

1. Intersection of 5<sup>th</sup> Street and Cedar Street.

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## CHAPTER 66

# LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo  
66.02 Permits for Excess Size and Weight  
66.03 Load Limits Upon Certain Streets

66.04 Load Limits on Bridges  
66.05 Truck Routes

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

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

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

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

**66.03 LOAD LIMITS UPON CERTAIN STREETS.** When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the following streets or parts of streets:

*(Code of Iowa, Sec. 321.473 & 475)*

– NONE –

**66.04 LOAD LIMITS ON BRIDGES.** Where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street serving the bridge, the Police Chief may cause to be posted and maintained signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits. No person shall drive upon said bridge any vehicle weighing, loaded or unloaded, in excess of such posted limit.

*(Code of Iowa, Sec. 321.471)*

**66.05 TRUCK ROUTES.** Truck route regulations are established as follows:

1. Truck Routes Designated. Every motor vehicle weighing six 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:

*(Code of Iowa, Sec. 321.473)*

- A. Cedar Street (State Highway 38) in its entirety.
- B. South Street (County Road F-36) in its entirety.

- C. 7<sup>th</sup> Street from Cedar Street to the east City limits (State Highway 130).
  - D. 9<sup>th</sup> Street from Cedar Street to the west City limits (County Road F-28).
  - E. 5<sup>th</sup> Street in its entirety.
  - F. East Street in its entirety.
  - G. Plum Street in its entirety.
  - H. Lemon Street in its entirety.
  - I. Inland Road in its entirety.
2. Hazardous Materials Routes. Every motor vehicle weighing six (6) tons or more, when loaded or empty, and carrying or equipped to carry hazardous materials and required by law to display a Hazardous Materials Placard, and 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. Cedar Street (State Highway 38) in its entirety.
  - B. South Street (County Road F-36) in its entirety.
  - C. 7<sup>th</sup> Street from Cedar Street to the east City limits (State Highway 130).
  - D. 9<sup>th</sup> Street from Cedar Street to the west City limits (County Road F-28).
3. Deliveries Off Truck Route. Any motor vehicle weighing six (6) 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.  
*(Code of Iowa, Sec. 321.473)*
4. Employer'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. 321.473)*

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**CHAPTER 67**  
**PEDESTRIANS**

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

**67.03 Pedestrian Crossing**  
**67.04 Use of Sidewalks**

**67.01 WALKING IN STREET.** Pedestrians shall at all times when walking on or along a street, walk on the left side of the street.

*(Code of Iowa, Sec. 321.326)*

**67.02 HITCHHIKING.** No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.

*(Code of Iowa, Sec. 321.331)*

**67.03 PEDESTRIAN CROSSING.** Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

*(Code of Iowa, Sec. 321.328)*

**67.04 USE OF SIDEWALKS.** Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent street.

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## CHAPTER 68

# ONE-WAY TRAFFIC

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

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

1. East 6<sup>th</sup> Street shall be westbound only between Mulberry Street and Walnut Street.
2. Walnut Street shall be northbound only between East 6<sup>th</sup> Street and East 5<sup>th</sup> Street.
3. Upon the following streets and alleys, vehicular traffic from 6:00 a.m. until noon on Sunday shall move only in the indicated direction:
  - A. 7<sup>th</sup> Street shall be westbound only between Cedar Street and Sycamore Street.
  - B. The alley through Block 6 in the Original Town of Tipton (Methodist Church block) shall be northbound only.
  - C. The alley through Block 31 in the Original Town of Tipton (Catholic Church block) shall be southbound only.

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## CHAPTER 69

# PARKING REGULATIONS

69.01 Park Adjacent to Curb  
69.02 Park Adjacent to Curb – One-Way Street  
69.03 Angle Parking  
69.04 Angle Parking – Manner  
69.05 Parking for Certain Purposes Illegal  
69.06 Parking Prohibited

69.07 Persons With Disabilities Parking  
69.08 No Parking Zones  
69.09 All Night Parking Prohibited  
69.10 Truck Parking Restricted  
69.11 Snow Routes

**69.01 PARK ADJACENT TO CURB.** No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

*(Code of Iowa, Sec. 321.361)*

**69.02 PARK ADJACENT TO CURB – ONE-WAY STREET.** No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

*(Code of Iowa, Sec. 321.361)*

**69.03 ANGLE PARKING.** Angle or diagonal parking is permitted only in the following locations:

*(Code of Iowa, Sec. 321.361)*

1. Meridian Street, on the east side, from 4<sup>th</sup> Street to 6<sup>th</sup> Street.
2. Meridian Street, on the west side, from 5<sup>th</sup> Street to 6<sup>th</sup> Street.
3. Lynn Street, on the east side, from 4<sup>th</sup> Street to 6<sup>th</sup> Street.
4. Lynn Street, on the west side, from 5<sup>th</sup> Street to 6<sup>th</sup> Street.
5. 4<sup>th</sup> Street, on the north side, from Meridian Street to middle of block between Cedar Street and Lynn Street.
6. 4<sup>th</sup> Street, on the south side, from Lynn Street to Cedar Street.
7. 5<sup>th</sup> Street, on the north side, from Lynn Street to Cedar Street.
8. 5<sup>th</sup> Street, on the south side, from Lynn Street to Meridian Street.
9. 6<sup>th</sup> Street, on the south side, from Lynn Street to Meridian Street.

**69.04 ANGLE PARKING – MANNER.** Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle or the load thereon, when said vehicle is

parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.

*(Code of Iowa, Sec. 321.361)*

**69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL.** No person shall park a vehicle upon public property for more than forty-eight (48) hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

*(Code of Iowa, Sec. 321.236[1])*

1. Sale. Displaying such vehicle for sale;
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency;
3. Advertising. Displaying advertising;
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

**69.06 PARKING PROHIBITED.** No one shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. Crosswalk. On a crosswalk.  
*(Code of Iowa, Sec. 321.358[5])*
2. Center Parkway. On the center parkway or dividing area of any divided street.  
*(Code of Iowa, Sec. 321.236[1])*
3. Mailboxes. Within twenty (20) feet on either side of a mailbox that is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.  
*(Code of Iowa, Sec. 321.236[1])*
4. Sidewalks. On or across a sidewalk.  
*(Code of Iowa, Sec. 321.358[1])*
5. Driveway. In front of a public or private driveway.  
*(Code of Iowa, Sec. 321.358[2])*
6. Intersection. Within an intersection or within ten (10) feet of an intersection of any street or alley.  
*(Code of Iowa, Sec. 321.358[3])*
7. Fire Hydrant. Within five (5) feet of a fire hydrant.  
*(Code of Iowa, Sec. 321.358[4])*
8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.  
*(Code of Iowa, Sec. 321.358[6])*
9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.  
*(Code of Iowa, Sec. 321.358[8])*

10. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.

*(Code of Iowa, Sec. 321.358[9])*

11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

*(Code of Iowa, Sec. 321.358[10])*

12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

*(Code of Iowa, Sec. 321.358[11])*

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.

*(Code of Iowa, Sec. 321.358[13])*

14. Churches, Nursing Homes and Other Buildings. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

*(Code of Iowa, Sec. 321.360)*

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection do not apply to a vehicle parked in any alley that is eighteen (18) feet wide or less, provided that said vehicle is parked to deliver goods or services.

*(Code of Iowa, Sec. 321.236[1])*

16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

*(Code of Iowa, Sec. 321.358[15])*

17. Area Between Lot Line and Curb Line. That area of the public way not covered by sidewalk and lying between the lot line and the curb line, where curbing has been installed.

18. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

**69.07 PERSONS WITH DISABILITIES PARKING.** The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the *Code of Iowa* and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

2. **Improper Use.** The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

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

- A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit;
  - B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the *Code of Iowa*;
  - C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the *Code of Iowa*.
3. **Wheelchair Parking Cones.** No person shall use or interfere with a wheelchair parking cone in violation of the following:
- A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A(1) of the *Code of Iowa* when utilizing a wheelchair parking cone.
  - B. A person shall not interfere with a wheelchair parking cone that is properly placed under the provisions of Section 321L.2A(1) of the *Code of Iowa*.

**69.08 NO PARKING ZONES.** No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

*(Code of Iowa, Sec. 321.236[1])*

- 1. Cedar Street, on both sides, from 6<sup>th</sup> Street to the north City limits.
- 2. Inland Road, on the north side, from East Street to Plum Street.
- 3. Inland Road, on the south side from Plum Street to a point 50 feet east.
- 4. East 6<sup>th</sup> Street, on the south side, from Plum Street east for a distance of 190 feet.
- 5. West 9<sup>th</sup> Street, on the north side, from Cedar Street to Lynn Street.
- 6. 9<sup>th</sup> Street, on the south side, from Plum Street to Lemon Street.
- 7. 10<sup>th</sup> Street, on the north side, from Plum Street to Cedar Street.
- 8. Plum Street, on both sides, from 3<sup>rd</sup> Street to 4<sup>th</sup> Street.
- 9. Plum Street, on both sides, from 7<sup>th</sup> Street to 10<sup>th</sup> Street.
- 10. Plum Street, on the west side, from South Street to 3<sup>rd</sup> Street.
- 11. Plum Street, on the west side, from 4<sup>th</sup> Street to 7<sup>th</sup> Street.
- 12. Plum Street, on the west side, from 10<sup>th</sup> Street to North Street.
- 13. 7<sup>th</sup> Street, on the south side, from Sycamore Street to Spruce Street.



14. Lemon Street, on the west side, from South Street north for a distance of 150 feet.
15. West 1<sup>st</sup> Street, on the south side, from Sycamore Street east for a distance of 170 feet.
16. Cedar Street, on both sides, from the south City limits to a point 3.85 lineal feet north of 1<sup>st</sup> Street.
17. 7<sup>th</sup> Street, on both sides, from Cedar Street to the east City limits.
18. Lynn Street, on the east side of the 50 Block.
19. West 1<sup>st</sup> Street, on the south side of the 100 block, from the City alley west to Lynn Street (also described as the west ½ of the south side of the 100 block of West 1<sup>st</sup> Street).
20. Walnut Street, on the east side, from 5<sup>th</sup> Street to 6<sup>th</sup> Street.

**69.09 ALL NIGHT PARKING PROHIBITED.** No person, except persons on emergency calls, shall park a vehicle on any of the following named streets between the hours of 2:00 a.m. and 6:00 a.m. of any day.

*(Code of Iowa, Sec. 321.236[1])*

1. Meridian Street, on both sides, from 3<sup>rd</sup> Street to 6<sup>th</sup> Street.
2. Cedar Street, on both sides, from 3<sup>rd</sup> Street to 6<sup>th</sup> Street.
3. Lynn Street, on both sides, from 3<sup>rd</sup> Street to 6<sup>th</sup> Street.
4. 4<sup>th</sup> Street, on both sides, from Lynn Street to Meridian Street.
5. 5<sup>th</sup> Street, on both sides, from Lynn Street to Meridian Street.
6. 6<sup>th</sup> Street, on both sides, from Lynn Street to Meridian Street.

**69.10 TRUCK PARKING RESTRICTED.**

1. Trucks, tractors, tractor-trailers, and commercial trailers of all types licensed over six tons are prohibited from parking on any street in any area of the City zoned residential, except while actively engaged in loading or unloading; or in the case of heavy equipment or material conveying trailers, during the period the equipment or material that the trailer conveys is in regular use at a job site. Tractors licensed over six tons without trailers may park on private property in any area of the City zoned residential and must be driven to and from the property by the most direct route possible from the nearest street designated as a truck route.
2. Trucks, tractors, and tractor-trailers shall not be left running while stopped or parked, either attended or unattended, anywhere in the City except while actively engaged in loading or unloading. Tractors may run while parked on private property in an area of the City zoned residential for the purpose of warming the engine immediately prior to moving the tractor. The driver must be in attendance during this warm-up period, and the warm-up period shall not exceed ten minutes.
3. Refrigeration trailer compressor drive engines may run on parked trailers only in areas zoned industrial, and are prohibited from being left running in all other areas of the City, whether attended or unattended.

For the purpose of enforcing this section, if the truck, tractor, tractor-trailer, or commercial trailer is unattended, either the driver, registered owner, or person responsible for the truck, tractor, tractor-trailer, or commercial trailer found to be in violation shall be deemed to have control over the truck, tractor, tractor-trailer, or commercial trailer at the time of the violation.

**69.11 SNOW ROUTES.**

1. The Council may designate certain streets in the City as snow routes. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic.

*(Code of Iowa, Sec. 321.236[12])*

2. No person shall park, abandon or leave unattended any vehicle on a designated snow route during any snow emergency proclaimed by the Mayor, City Manager or Public Works Director.

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## CHAPTER 70

# TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation

70.02 Scheduled Violations

70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended

70.05 Presumption in Reference to Illegal Parking

70.06 Impounding Vehicles

**70.01 ARREST OR CITATION.** Whenever a peace officer has reasonable cause to believe that a person has violated any provision of the Traffic Code, such officer may:

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or
2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety, or issue a uniform citation and complaint utilizing a State-approved computerized device.

*(Code of Iowa, Sec. 805.6 & 321.485)*

**70.02 SCHEDULED VIOLATIONS.** For violations of the Traffic Code that are designated by Section 805.8A of the *Code of Iowa* to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8A of the *Code of Iowa*.

*(Code of Iowa, Sec. 805.8 & 805.8A)*

**70.03 PARKING VIOLATIONS: ALTERNATE.** Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of fifteen dollars (\$15.00) for all violations except improper use of a persons with disabilities parking permit. If such fine is not paid within thirty (30) days, it shall be increased by five dollars (\$5.00). The simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars (\$100.00).

*(Code of Iowa, Sec. 321.236[1b] & 321L.4[2])*

**70.04 PARKING VIOLATIONS: VEHICLE UNATTENDED.** When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

**70.05 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.** In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred shall be raised by proof that:

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code; and
2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

**70.06 IMPOUNDING VEHICLES.** A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

*(Code of Iowa, Sec. 321.236[1])*

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

*(Code of Iowa, Sec. 321.236[1])*

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

4. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, the owner shall be given an opportunity to remove the vehicle.

*(Code of Iowa, Sec. 321.236[1])*

5. Unpaid Parking Violations. When any vehicle is found parked on the street in violation of any State law or City ordinance, and that vehicle has ten or more unpaid parking violations outstanding. The vehicle may be cited and towed immediately without notification to the owner of the vehicle. In addition to the towing and storage fees, the owner must pay the outstanding parking citations before the vehicle may be released.

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

*(Code of Iowa, Sec. 321.236[1])*

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## CHAPTER 75

# ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of Snowmobiles

75.05 Operation of All-Terrain Vehicles

75.06 Negligence

75.07 Accident Reports

**75.01 PURPOSE.** The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

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

1. “All-terrain vehicle” or “ATV” means a motorized vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

*(Code of Iowa, Sec. 321I.1)*

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the *Code of Iowa*, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

*(Code of Iowa, Sec. 321I.1)*

3. “Off-road utility vehicle” means a motorized vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks, that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. “Off-road utility vehicle” includes the following vehicles:

*(Code of Iowa, Sec. 321I.1)*

A. “Off-road utility vehicle — type 1” includes vehicles with a total dry weight of 1,200 pounds or less and a width of 50 inches or less.

B. “Off-road utility vehicle — type 2” includes vehicles, other than type 1 vehicles, with a total dry weight of 2,000 pounds or less and a width of 65 inches or less.

C. “Off-road utility vehicle — type 3” includes vehicles with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

4. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or

less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

*(Code of Iowa, Sec. 321G.1)*

**75.03 GENERAL REGULATIONS.** No person shall operate an ATV, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I of the *Code of Iowa* or a snowmobile within the City in violation of the provisions of Chapter 321G of the *Code of Iowa* or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, equipment and manner of operation.

*(Code of Iowa, Ch. 321G & Ch. 321I)*

**75.04 OPERATION OF SNOWMOBILES.** The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles shall be operated only upon streets that have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

*(Code of Iowa, Sec. 321G.9[4a])*

2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

*(Code of Iowa, Sec. 321G.9[4c])*

B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

(1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

(2) The snowmobile is brought to a complete stop before crossing the street;

(3) The driver yields the right-of-way to all on-coming traffic that constitutes an immediate hazard; and

(4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

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

3. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

*(Code of Iowa, Sec. 321G.13[1h])*

4. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

*(Code of Iowa, Sec. 321G.9[4f])*

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

**75.05 OPERATION OF ALL-TERRAIN VEHICLES.** The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. ATVs and off-road utility vehicles may be operated on streets only in accordance with Section 321.234A of the *Code of Iowa* or on such streets as may be designated by resolution of the Council for the operation of registered ATVs or registered off-road utility vehicles. In designating such streets, the Council may authorize ATVs and off-road utility vehicles to stop at service stations or convenience stores along a designated street.

*(Code of Iowa, Sec. 321I.10[1 & 3])*

2. Trails. ATVs shall not be operated on snowmobile trails except where designated.

*(Code of Iowa, Sec. 321I.10[4])*

3. Railroad Right-of-Way. ATVs shall not be operated on an operating railroad right-of-way. An ATV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

*(Code of Iowa, Sec. 321I.14[1h])*

4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking.”

The provisions of this section shall not apply to an ATV or UTV operated by emergency personnel.

**75.06 NEGLIGENCE.** The owner and operator of an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV or snowmobile at the time the injury or damage occurred or if the operator had the owner’s consent to operate the ATV or snowmobile at the time the injury or damage occurred.

*(Code of Iowa, Sec. 321G.18 & 321I.19)*

**75.07 ACCIDENT REPORTS.** Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars (\$1,500.00) or more, either the operator or someone acting for the

operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

*(Code of Iowa, Sec. 321G.10 & 321I.11)*



## CHAPTER 76

# BICYCLE REGULATIONS

76.01 Scope of Regulations

76.02 Traffic Code Applies

76.03 Double Riding Restricted

76.04 Two Abreast Limit

76.05 Speed

76.06 Emerging from Alley or Driveway

76.07 Carrying Articles

76.08 Riding on Sidewalks

76.09 Towing

76.10 Improper Riding

76.11 Parking

76.12 Equipment Requirements

76.13 Special Penalty

**76.01 SCOPE OF REGULATIONS.** These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

*(Code of Iowa, Sec. 321.236[10])*

**76.02 TRAFFIC CODE APPLIES.** Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the Traffic Code of the City applicable to the driver of a vehicle, except as to those provisions that by their nature can have no application. Whenever such person dismounts from a bicycle, the person shall be subject to all regulations applicable to pedestrians.

*(Code of Iowa, Sec. 321.234)*

**76.03 DOUBLE RIDING RESTRICTED.** A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

*(Code of Iowa, Sec. 321.234[3 and 4])*

**76.04 TWO ABREAST LIMIT.** Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. All bicycles ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

*(Code of Iowa, Sec. 321.236[10])*

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

*(Code of Iowa, Sec. 321.236[10])*

**76.06 EMERGING FROM ALLEY OR DRIVEWAY.** The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

*(Code of Iowa, Sec. 321.236[10])*

**76.07 CARRYING ARTICLES.** No person operating a bicycle shall carry any package, bundle or article that prevents the rider from keeping at least one hand upon the handlebars.

*(Code of Iowa, Sec. 321.236[10])*

**76.08 RIDING ON SIDEWALKS.** The following provisions apply to riding bicycles on sidewalks:

1. Business District. No person shall ride a bicycle upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.

*(Code of Iowa, Sec. 321.236[10])*

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

*(Code of Iowa, Sec. 321.236[10])*

3. Yield Right-of-Way. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

*(Code of Iowa, Sec. 321.236[10])*

**76.09 TOWING.** It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City unless the vehicle is manufactured for such use.

**76.10 IMPROPER RIDING.** No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding, or otherwise so as to disregard the safety of the operator or others.

**76.11 PARKING.** No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

*(Code of Iowa, Sec. 321.236[10])*

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

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front emitting a white light visible from a distance of at least three hundred (300) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear, except that a red reflector on the rear, of a type that is visible from all distances from fifty (50) feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of a rear light.

*(Code of Iowa, Sec. 321.397)*

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

*(Code of Iowa, Sec. 321.236[10])*

**76.13 SPECIAL PENALTY.** Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of this Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

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## CHAPTER 80

# ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

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

*(Code of Iowa, Sec. 321.89[1] & Sec. 321.90)*

1. “Abandoned vehicle” means any of the following:
  - A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.
  - B. A vehicle that has remained illegally on public property for more than 24 hours.
  - C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than 24 hours.
  - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.
  - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
  - F. A vehicle that has been impounded pursuant to Section 321J.4B of the *Code of Iowa* by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. “Demolisher” means a person licensed under Chapter 321H of the *Code of Iowa* whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.
3. “Garage keeper” means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.
4. “Police authority” means the Iowa state patrol or any law enforcement agency of a county or city.

**80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES.** A police authority, upon the authority’s own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or

hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity that is a garage keeper to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

*(Code of Iowa, Sec. 321.89[2])*

**80.03 NOTICE BY MAIL.** The police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90 of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten-day reclaiming period.

*(Code of Iowa, Sec. 321.89[3a])*

**80.04 NOTIFICATION IN NEWSPAPER.** If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 80.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

*(Code of Iowa, Sec. 321.89[3b])*

**80.05 FEES FOR IMPOUNDMENT.** The owner, lienholder, or claimant shall pay all towing and storage fees as established by the storage facility, whereupon the vehicle shall be released.

*(Code of Iowa, Sec. 321.89[3a])*

**80.06 DISPOSAL OF ABANDONED VEHICLES.** If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

*(Code of Iowa, Sec. 321.89[4])*

**80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES.** The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

*(Code of Iowa, Sec. 321.90[2e])*

**80.08 PROCEEDS FROM SALES.** Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing, and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

*(Code of Iowa, Sec. 321.89[4])*

**80.09 DUTIES OF DEMOLISHER.** Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle, or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

*(Code of Iowa, Sec. 321.90[3a])*

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## CHAPTER 90

# WATER SERVICE SYSTEM

90.01 Definitions	90.11 Installation of Water Service Pipe
90.02 Superintendent's Duties	90.12 Responsibility for Water Service Pipe
90.03 Mandatory Connections	90.13 Failure to Maintain
90.04 Abandoned Connections	90.14 Curb Valve
90.05 Permit	90.15 Interior Valve
90.06 Tapping Charge	90.16 Inspection and Approval
90.07 Compliance with Plumbing Code	90.17 Completion by the City
90.08 Plumber Required	90.18 Shutting off Water Supply
90.09 Excavations	90.19 Operation of Curb Valve and Hydrants
90.10 Tapping Mains	

**90.01 DEFINITIONS.** The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Combined service account" means a customer service account for the provision of two or more utility services.
2. "Customer" means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
3. "Superintendent" means the Superintendent of the City water system or any duly authorized assistant, agent or representative.
4. "Water main" means a water supply pipe provided for public or community use.
5. "Water service pipe" means the pipe from the water main to the building served.
6. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

**90.02 SUPERINTENDENT'S DUTIES.** The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

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

**90.03 MANDATORY CONNECTIONS.** The owners of any houses, buildings or structures used for human occupancy, employment or use, situated within the City and abutting on any street, alley or right-of-way in which there is located a public water main are hereby required to connect such facilities to the City's public water system in accordance with the provisions of these Water Service chapters within sixty (60) days after the date of official

notice to do so, provided that said public water main is located within one hundred (100) feet of the property line of such owner.

**90.04 ABANDONED CONNECTIONS.** When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be completely disconnected from the main and the main made absolutely watertight.

**90.05 PERMIT.** Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within sixty (60) days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

**90.06 TAPPING CHARGE.** Before any permit is issued the person who makes the application shall pay a tapping charge in the amount of one hundred dollars (\$100.00).  
(Code of Iowa, Sec. 384.84)

**90.07 COMPLIANCE WITH PLUMBING CODE.** The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the latest edition of the *International Plumbing Code* adopted by the City Council.

**90.08 PLUMBER REQUIRED.** All installations of water service pipes and connections to the water system shall be made by a State-licensed plumber.

**90.09 EXCAVATIONS.** All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with the provisions of the *International Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

**90.10 TAPPING MAINS.** All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accord with the following:  
(Code of Iowa, Sec. 372.13[4])

1. Independent Services. No more than one house, building, or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building, or premises may be shut off independently of the other.
2. Sizes and Location of Taps. All mains six (6) inches or less in diameter shall receive no larger than a ¾-inch tap. All mains of over six inches in diameter shall receive no larger than a one-inch tap. Where a larger connection than a one-inch tap is desired, two or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made in the top half of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.
3. Corporation Stop. A saddle shall be utilized for the corporation stop and no direct tap shall be allowed into the main.



4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

**90.11 INSTALLATION OF WATER SERVICE PIPE.** Water service pipes from the main to the meter setting shall be in accordance with the *International Plumbing Code* specifications. Pipe must be laid sufficiently waving, and to a minimum depth of forty-eight (48) inches, as to prevent rupture from settlement or freezing.

**90.12 RESPONSIBILITY FOR WATER SERVICE PIPE.** All costs and expenses incident to the installation, connection, and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

**90.13 FAILURE TO MAINTAIN.** When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance, the City may do so and assess the costs thereof to the property.

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

**90.14 CURB VALVE.** There shall be installed within the public right-of-way a main shut-off valve on the water service pipe of a pattern approved by the Superintendent. The shut-off valve shall be constructed to be visible and even with the pavement or ground.

**90.15 INTERIOR VALVE.** There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

**90.16 INSPECTION AND APPROVAL.** All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

**90.17 COMPLETION BY THE CITY.** Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

**90.18 SHUTTING OFF WATER SUPPLY.** The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be

turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

**90.19 OPERATION OF CURB VALVE AND HYDRANTS.** It is unlawful for any person except the Superintendent to turn water on at the curb valve, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

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## CHAPTER 91

# WATER METERS

91.01 Purpose

91.02 Water Use Metered

91.03 Fire Sprinkler Systems; Exception

91.04 Location of Meters

91.05 Meter Setting

91.06 Meter Repairs

91.07 Right of Entry

91.08 Accuracy Test

91.09 Separate Meter for Outside Watering

**91.01 PURPOSE.** The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

**91.02 WATER USE METERED.** All water furnished customers shall be measured through meters furnished by the City and installed by the City.

**91.03 FIRE SPRINKLER SYSTEMS; EXCEPTION.** Fire sprinkler systems may be connected to water mains by direct connection, with the installation of a check valve, without meters under the direct supervision of the Superintendent. No other open, unmetered connection shall be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

**91.04 LOCATION OF METERS.** All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing. Any customer whose meter is difficult to access by reason of vegetation, junk, debris, animals, elevation or any other unsafe condition shall be notified in writing. If the condition is not corrected within 30 days of notification, a meter reading surcharge of \$15.00 per month shall be billed until the condition is corrected. Any customer whose meter is found to be inaccessible for reading during regular business hours shall be notified in writing. If the condition is not corrected within 30 days of notification, extra trips to gain access to read the meter shall be billed at \$15.00 per trip.

**91.05 METER SETTING.** The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

**91.06 METER REPAIRS.** Whenever a water meter owned by the City is found to be out of order the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs or installation of a City owned water meter. The repair or replacement charge may be waived in the event of a first occurrence or circumstances beyond the control of the customer or property owner. First event waiver shall not occur if the customer or owner has received written notification from the City of a potential for damage in an existing situation and no corrective action has been taken by the customer or property owner.

**91.07 RIGHT OF ENTRY.** The Superintendent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

**91.08 ACCURACY TEST.** The Superintendent shall make a test of the accuracy of any water meter at any time when requested in writing, but not more often than once in six months. Such request shall be accompanied by a refundable deposit of twenty dollars (\$20.00) guaranteeing payment of costs if found due. If the meter is found to overrun to the extent of two percent (2%) or more, the twenty dollar deposit shall be refunded. If the meter is found to be accurate or slow, or less than 2% fast, the deposit shall be forfeited as the reasonable costs of the test.

**91.09 SEPARATE METER FOR OUTSIDE WATERING.** A property owner may add a second water meter for the purpose of measuring water that does not enter the sanitary sewer system. The water measured by said meter may include water for swimming pools, watering yards, watering gardens or other similar uses. The City shall charge thirty-five (\$35.00) per year for the installation and maintenance of the second meter. The property owner shall pay the current rate for water usage through this second meter, but shall not be billed for the sewer charges for such usage. The property owner shall make a written request for a second water meter and the annual fee shall be due and payable fifteen (15) days after the installation of said meter.

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**CHAPTER 92**  
**WATER RATES**

92.01 Service Charges  
92.02 Rates For Service  
92.03 Rates Outside the City  
92.04 Billing for Water Service  
92.05 Service Discontinued  
92.06 Lien for Nonpayment  
92.07 Lien Exemption

92.08 Lien Notice  
92.09 Customer Deposits  
92.10 Temporary Vacancy  
92.11 Change of Occupancy  
92.12 Returned Check Charge  
92.13 Water Service Bill Adjustment

**92.01 SERVICE CHARGES.** Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

*(Code of Iowa, Sec. 384.84)*

**92.02 RATES FOR SERVICE.** Water service shall be furnished at the following monthly rates within the City:

*(Code of Iowa, Sec. 384.84)*

1. Basic Service Charge. A basic service charge of \$13.00 per month.
2. Usage Charge. A usage charge of \$3.86 per 100 cubic feet of water used per month.

**92.03 RATES OUTSIDE THE CITY.** Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at the same rates as provided in Section 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules, and regulations applying to water service established by the Council.

*(Code of Iowa, Sec. 364.4 & 384.84)*

**92.04 BILLING FOR WATER SERVICE.** Water service shall be billed as part of a combined service account, payable in accordance with the following:

*(Code of Iowa, Sec. 384.84)*

1. Bills Issued. The Utility Billing Clerk shall prepare and issue bills for combined service accounts monthly.
2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Utility Billing Clerk within 21 days after the date of issuance.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of one and one-half percent (1½ %) of the amount due shall be added to each delinquent bill. Provided however, each customer shall be forgiven, without penalty, one late payment in each calendar year.

**92.05 SERVICE DISCONTINUED.** Water service to delinquent customers shall be discontinued in accordance with the following:

*(Code of Iowa, Sec. 384.84)*

1. Notice. The Utility Billing Clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.
2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the City Manager shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. The customer has the right to appeal the City Manager's decision to the Council, and if the Council finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.
4. Fees. A fee of fifty dollars (\$50.00) shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

**92.06 LIEN FOR NONPAYMENT.** The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

**92.07 LIEN EXEMPTION.**

*(Code of Iowa, Sec. 384.84)*

1. Water Service Exemption. The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.
2. Other Service Exemption. The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may

require a deposit not exceeding the usual cost of ninety (90) days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

3. **Written Notice.** The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within ten (10) business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within thirty (30) business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership.

**92.08 LIEN NOTICE.** A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

*(Code of Iowa, Sec. 384.84)*

**92.09 CUSTOMER DEPOSITS.** There shall be required from every customer not the owner of the premises served a deposit intended to guarantee the payment of bills for utility service. The deposit shall be equal to the highest one-month utility bill for the premises in the past twelve month period. Upon completion of six (6) months of prompt payment and the establishment of good credit the deposit shall be refunded.

*(Code of Iowa, Sec. 384.84)*

**92.10 TEMPORARY VACANCY.** A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. There shall be a \$50.00 fee collected for restoring service. During a period when service is temporarily discontinued as provided herein, there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

**92.11 CHANGE OF OCCUPANCY.** There shall be a registration fee of \$15.00 each time water service is commenced to a customer as a result of a change in occupancy. In the case of rental property, the registration fee to a landlord of record and in good standing shall be \$5.00 per utility when the landlord has authorized automatic transfer to an established account until a new tenant establishes an account, with a minimum charge of \$10.00 per instance.

**92.12 RETURNED CHECK CHARGE.** If a check received in payment for utility service is refused and returned by the bank, the person giving the check to the City shall be charged a returned check fee in the maximum legal amount allowed by the *Code of Iowa*.

**92.13 WATER SERVICE BILL ADJUSTMENT.** Upon application to and at the discretion of the City Council, each customer or address within the corporate limits of the City may be allowed a one-time adjustment on the water bill at that address or meter with an adjustment cap of \$250.00. A 12-month average billing amount will be established from the 12 immediate previous billing cycles. The customer will pay no less than the average of those previous 12 months. Tax will be paid on the original full billing amount, regardless of the amount of adjustment. If an adjustment is made to the customer's water bill under this section, then the one-time sewer adjustment under Section 99.08 of this Code of Ordinances must also be used at the same time. The City Council, at their discretion, may allow additional exemptions to an address or resident due to a change in occupancy or other mitigating circumstance approved by the Council. Failure to correct and/or fix a water loss problem shall not be considered a mitigating circumstance.

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## CHAPTER 95

# SANITARY SEWER SYSTEM

95.01 Purpose

95.02 Definitions

95.03 Superintendent

95.04 Prohibited Acts

95.05 Sewer Connection Required

95.06 Service Outside the City

95.07 Right of Entry

95.08 Use of Easements

95.09 Special Penalties

**95.01 PURPOSE.** The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety, and welfare.

**95.02 DEFINITIONS.** For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. "B.O.D." (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) C, expressed in milligrams per liter or parts per million.
2. "Building drain" means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. "Building sewer" means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.
4. "Combined sewer" means a sewer receiving both surface run-off and sewage.
5. "Customer" means any person responsible for the production of domestic, commercial, or industrial waste that is directly or indirectly discharged into the public sewer system.
6. "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
7. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. "Inspector" means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.
9. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
10. "On-site wastewater treatment and disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal

of wastewater from four or fewer dwelling units or other facilities serving the equivalent of fifteen persons (1500 gpd) or less.

11. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
12. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
13. "Sanitary sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm, surface water, and industrial waste.
14. "Sanitary sewer" means a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
15. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
16. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.
17. "Sewage works" or "sewage system" means all facilities for collecting, pumping, treating, and disposing of sewage.
18. "Sewer" means a pipe or conduit for carrying sewage.
19. "Sewer service charges" means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
20. "Slug" means any discharge of water, sewage, or industrial waste that in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration or flows during normal operation.
21. "Storm drain" or "storm sewer" means a sewer that carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
22. "Superintendent" means the Superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.
23. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and that are removable by laboratory filtering.
24. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

**95.03 SUPERINTENDENT.** The Superintendent shall exercise the following powers and duties:

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

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.

3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

**95.04 PROHIBITED ACTS.** No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the sewer system.

*(Code of Iowa, Sec. 716.1)*

2. Surface Run-Off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain that is connected directly or indirectly to a public sanitary sewer.

3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.

4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

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

6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

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

**95.05 SEWER CONNECTION REQUIRED.** The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within ninety (90) days after date of official notice from the City to do so provided that said public sewer is located within two hundred (200) feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

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

*(IAC, 567-69.1[3])*

**95.06 SERVICE OUTSIDE THE CITY.** The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

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

**95.07 RIGHT OF ENTRY.** The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of these Sanitary Sewer chapters. The Superintendent or representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

**95.08 USE OF EASEMENTS.** The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**95.09 SPECIAL PENALTIES.** The following special penalty provisions shall apply to violations of these Sanitary Sewer chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except subsections 1, 3, and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

## CHAPTER 96

### BUILDING SEWERS AND CONNECTIONS

96.01 Permit  
96.02 Connection Charge  
96.03 Plumber Required  
96.04 Excavations  
96.05 Connection Requirements

96.06 Sewer Tap  
96.07 Inspection Required  
96.08 Property Owner's Responsibility  
96.09 Abatement of Violations

**96.01 PERMIT.** No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within sixty (60) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

**96.02 CONNECTION CHARGE.** The person who makes the application shall pay a connection charge to reimburse the City for costs borne by the City in making sewer service available to the property served in accordance with the following:

1. The connection charge for a residential, commercial, or industrial connection to a sewer main in existence as of the effective date of Ordinance No. 464 is \$250.00. This fee also applies to connections to new sewer mains not covered by subsection 2 below.
2. The connection charge for a residential, commercial, or industrial connection to any sewer main installed by the City after the effective date of Ordinance No. 464 is \$1,500.00 per acre for platted lot areas in a development. If the developer chooses this option, the City will provide a 10-year moratorium on the connection charge above for all sewer taps within the covered development area. Such moratorium would commence from the date such request was received by the City.

**96.03 PLUMBER REQUIRED.** All installations of building sewers and connections to the public sewer shall be made by a State-licensed plumber.

**96.04 EXCAVATIONS.** All trench work, excavation, and backfilling required for the installation of a building sewer shall be performed in accordance with the provisions of the International Plumbing Code and the provisions of Chapter 135 of this Code of Ordinances.

**96.05 CONNECTION REQUIREMENTS.** The installation of the building sewer and its connection to the public sewer shall conform to the requirements of the latest edition of the *International Plumbing Code* adopted by the City Council, the laws of the State and other applicable rules and regulations of the City.

**96.06 SEWER TAP.** Connection of the building sewer into the public sewer shall be made at the “Y” branch, if such branch is available at a suitable location. If no properly located “Y” branch is available, a saddle “Y” shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued or attached with a gasket and stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent’s direction if such connection is approved.

**96.07 INSPECTION REQUIRED.** No building sewer shall be covered, concealed, or put into use until it has been tested, inspected, and accepted as prescribed in the International Plumbing Code.

**96.08 PROPERTY OWNER’S RESPONSIBILITY.** All costs and expenses incident to the installation, connection, and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

**96.09 ABATEMENT OF VIOLATIONS.** Construction or maintenance of building sewer lines, whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner’s expense, within thirty (30) days after date of official notice from the Council of such violation. If not made within such time, the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

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## CHAPTER 97

# USE OF PUBLIC SEWERS

97.01 Storm Water

97.02 Surface Waters Exception

97.03 Prohibited Discharges

97.04 Restricted Discharges

97.05 Restricted Discharges; Powers

97.06 Special Facilities

97.07 Control Manholes

97.08 Testing of Wastes

**97.01 STORM WATER.** No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers that are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

**97.02 SURFACE WATERS EXCEPTION.** Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to be the best interests of the sewer system.

**97.03 PROHIBITED DISCHARGES.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Excessive B.O.D., Solids or Flow.
  - A. Any waters or wastes: (i) having a five-day biochemical oxygen demand greater than 300 parts per million by weight; or (ii) containing more

than 350 parts per million by weight of suspended solids; or (iii) having an average daily flow greater than two percent of the average sewage flow of the City, shall be subject to the review of the Superintendent.

B. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to: (i) reduce the biochemical oxygen demand to 300 parts per million by weight; or (ii) reduce the suspended solids to 350 parts per million by weight; or (iii) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

**97.04 RESTRICTED DISCHARGES.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) F (65° C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances that may solidify or become viscous at temperatures between 32° F and 150° F (0° to 65° C).
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.



8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.
10. Unusual Wastes. Materials that exert or cause:
  - A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - B. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
  - C. Unusual B.O.D., chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - D. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance that, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
12. Damaging Substances. Any waters, wastes, materials, or substances that react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.
13. Untreatable Wastes. Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

**97.05 RESTRICTED DISCHARGES – POWERS.** If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

**97.06 SPECIAL FACILITIES.** If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

**97.07 CONTROL MANHOLES.** When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

**97.08 TESTING OF WASTES.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples).

**CHAPTER 98**  
**ON-SITE WASTEWATER SYSTEMS**

**98.01 When Prohibited**  
**98.02 When Required**  
**98.03 Compliance with Regulations**  
**98.04 Permit Required**

**98.05 Discharge Restrictions**  
**98.06 Maintenance of System**  
**98.07 Systems Abandoned**  
**98.08 Disposal of Septage**

**98.01 WHEN PROHIBITED.** Except as otherwise provided in this chapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

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

**98.02 WHEN REQUIRED.** When a public sanitary sewer is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

*(IAC, 567-69.1[3])*

**98.03 COMPLIANCE WITH REGULATIONS.** The type, capacity, location, and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

*(IAC, 567-69.1[3 & 4])*

**98.04 PERMIT REQUIRED.** No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

**98.05 DISCHARGE RESTRICTIONS.** It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

*(IAC, 567-69.1[3])*

**98.06 MAINTENANCE OF SYSTEM.** The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

**98.07 SYSTEMS ABANDONED.** At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

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

**98.08 DISPOSAL OF SEPTAGE.** No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

## CHAPTER 99

### SEWER SERVICE CHARGES

99.01 Sewer Service Charges Required  
99.02 Rate  
99.03 Special Rates  
99.04 Private Water Systems

99.05 Payment of Bills  
99.06 Lien for Nonpayment  
99.07 Special Agreements Permitted  
99.08 Sewer Service Bill Adjustment

**99.01 SEWER SERVICE CHARGES REQUIRED.** Every customer shall pay to the City sewer service fees as hereinafter provided.

*(Code of Iowa, Sec. 384.84)*

**99.02 RATE.** Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount of water consumed as follows:

1. Basic Service Charge. A basic service charge of \$13.00 per month.
2. Usage Charge. A usage charge of \$3.86 per 100 cubic feet of water used per month.

**99.03 SPECIAL RATES.** Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.02 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution.

*(Code of Iowa, Sec. 384.84)*

**99.04 PRIVATE WATER SYSTEMS.** Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the City either by an estimate agreed to by the customer or by metering the water system at the customer's expense. Any negotiated or agreed-upon sales or charges shall be subject to approval of the Council.

*(Code of Iowa, Sec. 384.84)*

**99.05 PAYMENT OF BILLS.** All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

**99.06 LIEN FOR NONPAYMENT.** Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

**99.07 SPECIAL AGREEMENTS PERMITTED.** No statement in these chapters shall be construed as preventing a special agreement, arrangement, or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate, and cost as established by the Council.

**99.08 SEWER SERVICE BILL ADJUSTMENT.** Upon application to and at the discretion of the City Council, each customer or address within the corporate limits of the City may be allowed a one-time adjustment on the sewer bill at that address or meter with an adjustment cap of \$250.00. A 12-month average billing amount will be established from the 12 immediate previous billing cycles. The customer will pay no less than the average of those previous 12 months. Tax will be paid on the original full billing amount, regardless of the amount of adjustment. If an adjustment is made to the customer's sewer bill under this section, then the one-time water adjustment under Section 90.13 of this Code of Ordinances must also be used at the same time.

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## CHAPTER 105

# SOLID WASTE CONTROL

105.01 Purpose  
105.02 Definitions  
105.03 Sanitary Disposal Required  
105.04 Health and Fire Hazard  
105.05 Open Burning Restricted  
105.06 Separation of Yard Waste Required

105.07 Littering Prohibited  
105.08 Open Dumping Prohibited  
105.09 Toxic and Hazardous Waste  
105.10 Waste Storage Containers  
105.11 Prohibited Practices  
105.12 Recycling Program

**105.01 PURPOSE.** The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection is to provide for the sanitary storage, collection, and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

**105.02 DEFINITIONS.** For use in these chapters the following terms are defined:

1. “Collector” means any person authorized to gather solid waste from public and private places.
2. “Discard” means to place, cause to be placed, throw, deposit, or drop.  
*(Code of Iowa, Sec. 455B.361[2])*
3. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities that are used or are intended to be used for living, sleeping, cooking, and eating.
4. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.  
*(IAC, 567-100.2)*
5. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.  
*(IAC, 567-20.2[455B])*
6. “Litter” means any garbage, rubbish, trash, refuse, waste materials, or debris.  
*(Code of Iowa, Sec. 455B.361[1])*
7. “Owner” means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
8. “Refuse” means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.  
*(IAC, 567-100.2)*

9. “Residential premises” means a single-family dwelling and any multiple-family dwelling up to and including four separate dwelling units.

10. “Residential waste” means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes and any locally recyclable goods or plastics.

*(IAC, 567-20.2[455B])*

11. “Rubbish” means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

*(IAC, 567-100.2)*

12. “Sanitary disposal” means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

*(IAC, 567-100.2)*

13. “Sanitary disposal project” means all facilities and appurtenances (including all real and personal property connected with such facilities) that are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources.

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

14. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:

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

- A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.
- B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.
- C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.
- D. Petroleum contaminated soil that has been remediated to acceptable State or Federal standards.
- E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

**105.03 SANITARY DISPOSAL REQUIRED.** It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner’s premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

*(Code of Iowa, Ch. 657)*



**105.04 HEALTH AND FIRE HAZARD.** It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

**105.05 OPEN BURNING RESTRICTED.** No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack without first obtaining a permit and conducting such burning in accordance with the *International Fire Code*.

**105.06 SEPARATION OF YARD WASTE REQUIRED.** All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted on the premises or placed in City biodegradable bags marked "Yard Waste" and set out for collection pursuant to a schedule established by the City. Each yard waste bag to be picked up shall not exceed 50 pounds in weight. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, and branches and tree limbs no larger than two inches in diameter and no longer than 36 inches. Yard waste does not include tree stumps.

**105.07 LITTERING PROHIBITED.** No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

*(Code of Iowa, Sec. 455B.363)*

**105.08 OPEN DUMPING PROHIBITED.** No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of rubble at places other than a sanitary disposal project. "Rubble" means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. Rubble includes asphalt waste only as long as it is not used in contact with water or in a flood plain. For purposes of this section, rubble does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or industrial process wastes unless those wastes are approved by the State Department of Natural Resources.

*(Code of Iowa, Sec. 455B.301, Sec. 455B.307 and IAC, 567-100.2)*

**105.09 TOXIC AND HAZARDOUS WASTE.** No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources. As used in this section, "toxic and hazardous waste" means waste materials, including (but not limited to) poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials, and similar harmful waste that requires special handling and that must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

*(IAC, 567-100.2)*

*(IAC, 567-102.13[2] and 400-27.14[2])*

**105.10 WASTE STORAGE CONTAINERS.**

1. Container Specifications. Waste storage containers shall comply with the following specifications:
  - A. Toters. Residential and commercial non-dumpster solid waste, for collection by the City, must be placed in black containers (toters) issued by the City.
  - B. Dumpsters. Commercial establishments may, in lieu of City-issued containers, and institutional and industrial establishments shall place all solid waste in dumpsters approved by City for collection by the contracted collector.
2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial, institutional, and industrial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.
3. Location of Containers for Collection. Toters shall be set out for collection in accordance with City specifications. Toters shall be so placed by 7:00 a.m. of the regularly scheduled collection day and shall be promptly removed from the curb line following collection.
4. Nonconforming Containers. Solid waste placed in containers that are not in compliance with the provisions of this section will not be collected.

**105.11 PROHIBITED PRACTICES.** It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.
2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.
3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid, or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.
4. Scavenging. Take or collect any solid waste that has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

**105.12 RECYCLING PROGRAM.** The City shall provide for the collection of recyclable materials from residential premises in accordance with the rules and regulations as established by the Council. All recyclable material shall be separated and prepared for collection in accordance with such rules and regulations and placed in blue containers (toters) issued by the City. Residential, commercial, and industrial customers may also deposit

recyclable materials at the City's recycling center in accordance with the rules and regulations as established by the Council.

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## CHAPTER 106

# COLLECTION OF SOLID WASTE

**106.01** Collection Service  
**106.02** Collection Vehicles  
**106.03** Loading  
**106.04** Frequency of Collection  
**106.05** Bulky Rubbish

**106.06** Right of Entry  
**106.07** Contract Requirements  
**106.08** Collection Fees  
**106.09** Lien for Nonpayment

**106.01 COLLECTION SERVICE.** The City shall collect all solid waste except bulky rubbish as provided in Section 106.05 from all residential and commercial non-dumpster premises and shall provide by contract for the collection of solid waste from all other premises within the City.

**106.02 COLLECTION VEHICLES.** Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leak-proof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution, or insect breeding and shall be maintained in good repair.

*(IAC, 567-104.9[455B])*

**106.03 LOADING.** Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

**106.04 FREQUENCY OF COLLECTION.** All solid waste shall be collected from residential and commercial non-dumpster premises at least once each week and from commercial dumpster, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

**106.05 BULKY RUBBISH.** Bulky rubbish that is too large or heavy to be collected in the normal manner of other solid waste may be collected upon request in accordance with procedures therefor established by the Council. The minimum charge for an extra pickup is \$15.00.

**106.06 RIGHT OF ENTRY.** Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste, as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

**106.07 CONTRACT REQUIREMENTS.** No person shall engage in the business of collecting, transporting, processing or disposing of solid waste from commercial dumpster, institutional and industrial premises for the City without first entering into a contract with the City. This section does not prohibit an owner from transporting solid waste accumulating upon premises owned, occupied, or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks, or receptacles

so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

**106.08 COLLECTION FEES.** The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

*(Goreham vs. Des Moines, 1970, 179 NW 2<sup>nd</sup>, 449)*

1. Schedule of Fees. The fees for solid waste collection and disposal service, used or available, are:

A. Residential and Commercial Non-Dumpster. Each residential and commercial non-dumpster premises shall be billed at a rate that coincides with the size of container used in accordance with the following:

Container Size	Monthly Charge
35-gallon	\$15.25
64-gallon	\$17.25
96-gallon	\$21.25

Additional solid waste must be placed in a City of Tipton garbage bag. One additional bag will be allowed per week.

B. Multiple-Family Dwellings. The owner of each multiple-family dwelling (more than four rental units) shall be billed at the rate for one commercial dumpster and the occupant of each rental unit shall be billed one-half of the residential monthly fee.

C. Commercial, Institutional and Industrial Dumpster Fees. The fees for commercial, institutional and industrial establishments using a dumpster shall be the amount charged to the City by the contracted collector for the specific address plus an 8% administrative fee.

Where there is a multiple utility billing in the same name and one of the locations does not produce any solid waste, then, upon filing of a written request, the Council by specific action may exempt the second location from the service fee.

2. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

**106.09 LIEN FOR NONPAYMENT.** Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

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## CHAPTER 110

# GAS UTILITY

110.01 Gas Meters	110.08 Small Commercial Delivery Rates
110.02 Alteration of Gas Meters or Use of Natural Gas Not Properly Registered	110.09 Industrial Delivery Rates
110.03 Access to Meter	110.10 Interruptible Industrial Delivery Rates
110.04 Payment of Bills for Natural Gas	110.11 Registration, Reconnect, and Basic Service Fees and Charges
110.05 Discontinuance and Reconnection Conditions	110.12 Gas Cost
110.06 Deposit for Gas Meters	110.13 Returned Check Charge
110.07 Residential Delivery Rates	110.14 Natural Gas Capital Project and Equipment Charge

**110.01 GAS METERS.** All natural gas sold by the City shall be measured by gas meters furnished by the City, except that the City Council may fix flat rates for certain types of consumption.

**110.02 ALTERATION OF GAS METERS OR USE OF NATURAL GAS NOT PROPERLY REGISTERED.** Any person who makes or attempts to make any alterations to any gas meter or its connections so as to cause natural gas to be used without correctly registering the amount used on said meter is guilty of a misdemeanor. Any person who requests or knowingly permits any person to make such changes or alterations is guilty of a misdemeanor. Any person who uses natural gas knowing or having reasonable cause to believe it is not being properly registered on the gas meter is guilty of a misdemeanor. Such misdemeanors as listed above are subject to a fine, and the City Council may order the discontinuance of the perpetrator's gas service for a period of time to be designated by the City Council.

**110.03 ACCESS TO METER.** Any customer whose meter is difficult to access by reason of location, vegetation, junk debris, animals, elevation, or any other unsafe or unsanitary condition shall be notified in writing. If the condition is not corrected in 30 days, a meter reading surcharge of \$5.00 will be added monthly until the condition is corrected.

**110.04 PAYMENT OF BILLS FOR NATURAL GAS.** All bills for the use of natural gas become due and payable to the City at the City Clerk's office on the date the bill is rendered. All bills not paid become delinquent 20 days after the billing date. All delinquent accounts shall bear a late payment penalty of 1.5% of the delinquent bill. However, each customer shall be forgiven, without penalty, one late payment in each calendar year. No subsequent penalty shall be abated, waived, or adjusted except upon action of the City Council. The delinquency penalty herein provided shall apply to all charges assessed, including minimum rates.

**110.05 DISCONTINUANCE AND RECONNECTION CONDITIONS.** The City may discontinue furnishing natural gas to any consumer whose account is delinquent by mailing a 12-day written notice prior to disconnection. After following ICC specified procedures, City employees may enter the premises of said consumer and remove all City property. Reconnection shall require payment to the City of a \$50.00 fee together with payment of all past due accounts for natural gas. Following a broken agreement with the City to pay a past due account over a period of time by the customer, each attempt to notify the customer of scheduled disconnection shall result in a \$15.00 trip charge.

**110.06 DEPOSIT FOR GAS METERS.** Renters of residential property may be required to make a deposit for natural gas service. If required, the deposit shall not exceed the highest one-month consumption on record during the previous 12 months for the service location. However, in no event shall the deposit be less than \$50.00. Renters of business properties may be required to make a deposit for natural gas service. If required, a service deposit shall not exceed the highest one-month consumption on record during the previous 12 months for the service location. The amount of the deposit for business properties may be abated or increased based on the probable one-month consumption due to a change in business use. However, in no event shall the deposit be less than \$50.00. Upon disconnection of natural gas service by the renter, compliance with all applicable provisions of this chapter, and notification to the Clerk, the deposit shall be refunded.

**110.07 RESIDENTIAL DELIVERY RATES.** The monthly delivery rate for natural gas delivered to residential consumers is \$0.16 (flat) per therm.

**110.08 SMALL COMMERCIAL DELIVERY RATES.** The monthly delivery rate for natural gas to small commercial consumers (less than 10,000 therms per year) is \$0.12 (flat) per therm.

**110.09 INDUSTRIAL DELIVERY RATES.** The monthly delivery rate for natural gas delivered to industrial consumers (10,000 therms or more per year) is \$0.10 (flat) per therm.

**110.10 INTERRUPTIBLE INDUSTRIAL DELIVERY RATES.** The monthly delivery rate for natural gas delivered under interruptible service to industrial consumers (10,000 therms or more per year) is \$0.09 (flat) per therm.

**110.11 REGISTRATION, RECONNECT, AND BASIC SERVICE FEES AND CHARGES.** There shall be a registration fee of \$15.00 each time natural gas service is commenced to a consumer. This charge is made for an original connection and each time the consumer requires service. There shall be a reconnect fee of \$50.00 for a customer who requests temporary discontinuance of service. This charge shall be in addition to and separate from any charge made for gas service deposit. All active accounts are subject to a monthly \$5.00 basic service charge.

**110.12 GAS COST.** The rates set by this chapter for natural gas supplied to consumers are based upon the current cost of gas and transportation to the City, as charged by its natural gas supplier, BP Canada Energy Marketing Corp., and transportation provided by Northern Natural Gas. In the event of an increase or decrease in the rate charged to the City by BP Canada Energy Marketing Corp. and Northern Natural Gas, these rates, or the rates as modified by this section, may be increased or decreased by an amount that may be the same as the increase or decrease in the rate charged to the City, adjusted for unaccounted-for gas loss and BTU content. The increase or decrease in rates provided for in this chapter shall become effective after publication in accordance with law, and consumers shall be billed at the rates stated herein for gas delivered to them.

**110.13 RETURNED CHECK CHARGE.** If a check is received in payment of a bill for natural gas and payment on that check is refused and the check returned by the drawee bank, the person giving the check to the City shall be charged the maximum fee allowed by law for the returned check. This charge shall be in addition to other charges and penalties provided by this chapter.



**110.14 NATURAL GAS CAPITAL PROJECT AND EQUIPMENT CHARGE.** A \$0.03 charge will be added to the delivery rates found in Sections 110.07 through 110.10 until such time as the Gas Cost (as determined in Section 110.12) is equal to or greater than \$6.50, or the capital project and equipment fund reaches \$150,000.00 or more. This capital project and equipment charge will be reviewed annually by the City Council during the budget approval process.

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## CHAPTER 111

# ELECTRIC UTILITY

111.01 Purpose	111.07 Electrical Rates
111.02 Electric Department Organization	111.08 Energy Index
111.03 Service Rules of the Utility	111.09 Billing Demand
111.04 Reading Electric Meters and Inspection of Services	111.10 Security Lighting Flat Rates
111.05 Supplies Purchased	111.11 Annual Adjustment of Electric Rates
111.06 Classification of Electric Customers	

**111.01 PURPOSE.** This chapter establishes and provides for the Tipton Electric Department as the Tipton Municipal Electric Utility. The provisions of this chapter, including service rules and regulations adopted in accordance with these provisions, shall apply to customers both inside and outside the Tipton City limits.

**111.02 ELECTRIC DEPARTMENT ORGANIZATION.** The Electric Department shall be under the control of the City Council, general administration of the City Manager and direct supervision of the Electric Superintendent. The Electric Superintendent, and such other officers or employees as required, shall properly supervise and maintain all electric facilities, and the distribution of electrical power.

**111.03 SERVICE RULES OF THE UTILITY.** The City Council shall adopt by resolution appropriate operating rules governing the electric utility, which shall be entitled *Service Rules of the Tipton Municipal Electric Utility*.

**111.04 READING ELECTRIC METERS AND INSPECTION OF SERVICES.** The Electric Superintendent shall see that all electric services are inspected. The Superintendent shall see that all electric meters are read monthly or at other regular intervals fixed by the City Council and report these readings to the City Clerk.

**111.05 SUPPLIES PURCHASED.** All purchases made for the operation or maintenance of the Electric Distribution System shall be approved by the Electric Superintendent or City Manager. Except for emergency orders and normally recurring expenses, the City Council must approve all Electric Department purchases over \$5,000.00 and approve all disbursements paid out of the Electric Fund.

**111.06 CLASSIFICATION OF ELECTRIC CUSTOMERS.** Electric customers are established as Residential, Rural, Commercial, Commercial Demand, and Industrial. The Council may establish additional classifications or make changes to the above classifications. When applicable, “summer” and “winter” rates for these classifications shall be billed for the same periods as the City is billed summer and winter rates by its supplier.

**111.07 ELECTRICAL RATES.**

1. Residential. The rates to be paid by residential customers for electric energy are:

A basic service charge of \$6.00 per month or fraction thereof, and  
All kWh – \$0.09935 per kWh

2. Rural. The rates to be paid by rural customers for electric energy are:  
 A basic service charge of \$20.60 per month or fraction thereof, and  
 All kWh – \$0.09935 per kWh
3. Commercial. The rates to be paid by commercial customers for electric energy are:  
 A basic service charge of \$8.00 per month or fraction thereof, and  
 All kWh – \$0.11379 per kWh
4. Commercial Demand. The rates to be paid by commercial demand customers for electric energy and power are:  
 Energy Charge, all kWh ..... \$0.04628 per kWh  
 Monthly Demand Charge ..... \$11.52 per kW  
 Minimum Billing Demand per Month: ..... 10 kW
5. Industrial Demand. The rates to be paid by industrial demand customers for electric energy and power are:  
 Energy Charge, all kWh ..... \$0.04277 per kWh  
 Monthly Demand Charge ..... \$11.52 per kW  
 Minimum Billing Demand per Month..... 100 kW

**111.08 ENERGY INDEX.** Rates are based on a Cost of Purchased Power Index of \$.02758 per kWh. Rates may be increased or decreased annually equal to the amount by which the average cost of electric energy incurred by the utility in the period since the last adjustment is greater or less than the current Index cost.

**111.09 BILLING DEMAND.** Billing demand is the maximum integrated kilowatt demand as recorded by a standard demand meter during any 15-minute interval in the billing month.

**111.10 SECURITY LIGHTING FLAT RATES.** Security lighting is available to customers within accessibility limitations to the existing electric distribution system at a monthly flat rate according to the chart below. All lighting listed is approved high efficiency High-Pressure Sodium (HP5 or Metal Halide (MH).

Light Type	Light Only	Light and Pole
100W HPS, Standard	\$6.20 per month	\$13.10 per month
100W HPS, Roadway	\$9.10 per month	\$16.00 per month
150W HPS, Roadway	\$10.30 per month	\$17.20 per month
250W HPS, Roadway	\$13.10 per month	\$19.60 per month
100W HPS, Flood	\$10.70 per month	\$17.60 per month
400W HPS, Flood	\$18.00 per month	\$24.90 per month
175W MH, Flood	\$12.60 per month	\$19.50 per month
400W MH, Flood	\$18.30 per month	\$25.20 per month
Adder for Underground Installation – \$1.30 per month		

**111.11 ANNUAL ADJUSTMENT OF ELECTRIC RATES.** In order to limit the extent of future electric rate increases; electric rates are increased one percent annually, effective April 1 each year. The City Council may waive this increase on an annual basis should it be appropriate to do so.

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## CHAPTER 120

# LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required  
120.02 General Prohibition  
120.03 Investigation

120.04 Action by Council  
120.05 Prohibited Sales and Acts  
120.06 Amusement Devices

**120.01 LICENSE OR PERMIT REQUIRED.** No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit, or beer permit in accordance with the provisions of Chapter 123 of the *Code of Iowa*.

*(Code of Iowa, Sec. 123.22, 123.122 & 123.171)*

**120.02 GENERAL PROHIBITION.** It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations, and restrictions enumerated in Chapter 123 of the *Code of Iowa*, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

*(Code of Iowa, Sec. 123.2, 123.39 & 123.50)*

**120.03 INVESTIGATION.** Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises that does not conform to the applicable law and ordinances, resolutions, and regulations of the City.

*(Code of Iowa, Sec. 123.30)*

**120.04 ACTION BY COUNCIL.** The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

*(Code of Iowa, Sec. 123.32[2])*

**120.05 PROHIBITED SALES AND ACTS.** A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine, or beer.

*(Code of Iowa, Sec. 123.49[1])*

2. Sell or dispense any alcoholic beverage, wine, or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer, or wine on Sunday may

sell or dispense alcoholic liquor, beer, or wine between the hours of 8:00 a.m. on Sunday and 2:00 a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine, or beer for consumption on the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year's Day.

*(Code of Iowa, Sec. 123.49[2b and 2k] & 123.150)*

3. Sell alcoholic beverages, 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 or to retail sales by the managing entity of a convention center, civic center, or events center.

*(Code of Iowa, Sec. 123.49[2c])*

4. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine, or beer for consumption on the premises where sold.

*(Code of Iowa, Sec. 123.49[2f])*

5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine, or any other beverage in or about the permittee's place of business.

*(Code of Iowa, Sec. 123.49[2i])*

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

*(Code of Iowa, Sec. 123.49[2a])*

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

*(Code of Iowa, Sec. 123.49[2j])*

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.

*(Code of Iowa, Sec. 123.49[2d])*

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package that has been reused or adulterated.

*(Code of Iowa, Sec. 123.49[2e])*

10. Allow any person other than the licensee, permittee, or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container that is designed for the transporting of such beverages, except as allowed by State law.

*(Code of Iowa, Sec. 123.49[2g])*

11. Sell, give, possess, or otherwise supply a machine that is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

*(Code of Iowa, Sec. 123.49[21])*

**120.06 AMUSEMENT DEVICES.** The following provisions pertain to electronic or mechanical amusement devices, which are allowed only in premises with a liquor control license or beer permit as specifically authorized in Section 99B.10 of the *Code of Iowa*.

*(Code of Iowa, Sec. 99B.10C)*

1. As used in this section an “electronic or mechanical amusement device” means a device that awards a prize redeemable for merchandise on the premises where the device is located and that is required to be registered with the Iowa Department of Inspection and Appeals.

2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of an electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing an electrical or mechanical amusement device, or an employee of a person owning or leasing an electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of an electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of 21.

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## CHAPTER 121

# CIGARETTE AND TOBACCO PERMITS

121.01 Definitions  
121.02 Permit Required  
121.03 Application  
121.04 Fees  
121.05 Issuance and Expiration

121.06 Refunds  
121.07 Persons Under Legal Age  
121.08 Self-Service Sales Prohibited  
121.09 Permit Revocation

**121.01 DEFINITIONS.** For use in this chapter the following terms are defined:  
*(Code of Iowa, Sec. 453A.1)*

1. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
3. “Place of business” means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.
4. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.
5. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
6. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.
7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product”

includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. “Vapor product” does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act.

**121.02 PERMIT REQUIRED.**

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

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

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

*(Code of Iowa, Sec. 453A.47A)*

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

**121.03 APPLICATION.** A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

*(Code of Iowa, Sec. 453A.13 & 453A.47A)*

**121.04 FEES.** The fee for a retail cigarette or tobacco permit shall be as follows:

*(Code of Iowa, Sec. 453A.13 & 453A.47A)*

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

**121.05 ISSUANCE AND EXPIRATION.** Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit, and any permit issued, to the Alcoholic Beverages Division of the Department of Commerce within thirty (30) days of issuance.

**121.06 REFUNDS.** A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

*(Code of Iowa, 453A.13 & 453A.47A)*

**121.07 PERSONS UNDER LEGAL AGE.** No person shall sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.
2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.
4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of sixty (60) days.
5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

*(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])*

**121.08 SELF-SERVICE SALES PROHIBITED.** Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36(6) of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

*(Code of Iowa, Sec. 453A.36A)*

**121.09 PERMIT REVOCATION.** Following a written notice and an opportunity for a hearing, as provided by the *Code of Iowa*, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the *Code of Iowa* or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or

suspension of a retail permit to the Alcoholic Beverages Division of the Department of Commerce within thirty (30) days of the revocation or suspension.

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

**CHAPTER 122**  
**PEDDLERS, SOLICITORS AND TRANSIENT**  
**MERCHANTS**

122.01 Purpose	122.10 Time Restriction
122.02 Definitions	122.11 Revocation of License
122.03 License Required	122.12 Hearing
122.04 Application for License	122.13 Record and Determination
122.05 License Fees	122.14 Appeal
122.06 Bond Required	122.15 Effect of Revocation
122.07 License Issued	122.16 Rebates
122.08 Display of License	122.17 License Exemptions
122.09 License Not Transferable	122.18 Charitable and Nonprofit Organizations

**122.01 PURPOSE.** The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

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

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

**122.03 LICENSE REQUIRED.** Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

**122.04 APPLICATION FOR LICENSE.** An application in writing shall be filed with the City Clerk for a license under this chapter. Such application shall set forth the applicant’s name, permanent and local address and business address if any. The application shall also set forth the applicant’s employer, if any, and the employer’s address, the nature of the applicant’s business, the last three places of such business and the length of time sought to be covered by the license. An application fee of five dollars (\$5.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

**122.05 LICENSE FEES.** The following license fees shall be paid to the City Clerk prior to the issuance of any license.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of fifteen dollars (\$15.00) per year.
2. Peddlers or Transient Merchants.
  - A. For one day..... \$ 10.00
  - B. For one week..... \$ 15.00
  - C. For up to six (6) months ..... \$ 25.00
  - D. For one year or major part thereof..... \$ 30.00

**122.06 BOND REQUIRED.** Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa*.

**122.07 LICENSE ISSUED.** If the City Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

**122.08 DISPLAY OF LICENSE.** Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant’s license in the merchant’s place of business.

**122.09 LICENSE NOT TRANSFERABLE.** Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

**122.10 TIME RESTRICTION.** All peddler’s and solicitor’s licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 7:00 p.m.

**122.11 REVOCATION OF LICENSE.** Following a written notice and an opportunity for a hearing, the Clerk may revoke any license issued pursuant to this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health, or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order, or morals.

The Clerk shall send the written notice to the licensee at the licensee’s local address. The notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time, and place for hearing on the matter.

**122.12 HEARING.** The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

**122.13 RECORD AND DETERMINATION.** The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

**122.14 APPEAL.** If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons for such revocation or refusal. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

**122.15 EFFECT OF REVOCATION.** Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

**122.16 REBATES.** Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least five dollars (\$5.00) of the original fee shall be retained by the City to cover administrative costs.

**122.17 LICENSE EXEMPTIONS.** The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for, or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America, and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the Tipton Community School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

**122.18 CHARITABLE AND NONPROFIT ORGANIZATIONS.** Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa* desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization, the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk

denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.14 of this chapter.

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## CHAPTER 123

# HOUSE MOVERS

123.01 House Mover Defined  
123.02 Permit Required  
123.03 Application  
123.04 Bond Required  
123.05 Insurance Required  
123.06 Permit Issued

123.07 Public Safety  
123.08 Time Limit  
123.09 Removal by City  
123.10 Protect Pavement  
123.11 Overhead Wires

**123.01 HOUSE MOVER DEFINED.** A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies, or any other specialized moving equipment.

**123.02 PERMIT REQUIRED.** It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved.

**123.03 APPLICATION.** Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

**123.04 BOND REQUIRED.** The applicant shall post with the Clerk a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

**123.05 INSURANCE REQUIRED.** Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury – \$50,000 per person; \$100,000 per accident.
2. Property Damage – \$50,000 per accident.

**123.06 PERMIT ISSUED.** Upon approval of the application and filing of bond and insurance certificate, the Clerk shall issue a permit. A separate permit shall be required for each house, building, or similar structure to be moved.

**123.07 PUBLIC SAFETY.** At all times when a building or similar structure is in motion upon any street, alley, sidewalk, or public property, the permittee shall maintain flag persons at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

**123.08 TIME LIMIT.** No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

**123.09 REMOVAL BY CITY.** In the event any building or similar structure is found to be in violation of Section 123.08 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

**123.10 PROTECT PAVEMENT.** It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

**123.11 OVERHEAD WIRES.** The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

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## CHAPTER 124

### BUSINESS LICENSES

124.01 Definitions	124.11 Rebates
124.02 License Required	124.12 Transfer
124.03 Exemptions	124.13 Term of License
124.04 Persons Entitled to License	124.14 Exhibition of Certificate
124.05 Application; Fee	124.15 Bill Posters
124.06 Refusal and Appeal	124.16 Junk Dealers
124.07 Power to Inspect and Investigate	124.17 Pawnbrokers
124.08 Revocation	124.18 Dealers in Used Articles
124.09 Appeal	124.19 Purchases From Minors
124.10 Effect of Revocation	

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

1. “Bill” means any notice, poster, placard, announcement, or advertisement except notices required by law.
2. “Junk” means articles or materials that, because of age, deterioration, or use, have lost their original utility or desirability but that by alteration, restoration, or salvage may furnish an item or items of value.
3. “Junk dealer” means any person engaged in collecting, storing, buying, or selling junk.
4. “Pawnbroker” means any person whose business consists primarily of buying personal property subject to the right of repurchase or redemption, or of receiving actual possession of personal property as security for loans with or without a mortgage or bill of sale. This definition does not mean or include banks, trust companies, building and loan associations, and similar businesses.

**124.02 LICENSE REQUIRED.** No person shall engage in any trade, profession, or business in the City for which a license is required by the provisions of this chapter without first obtaining such license from the City in the manner provided in this chapter, unless otherwise specifically provided.

**124.03 EXEMPTIONS.** This chapter shall not be construed to require a license of each employee or agent of one engaged in a licensed occupation. Only the owner, manager, or agent of such an occupation need possess the license.

**124.04 PERSONS ENTITLED TO LICENSE.** Any person who satisfies the conditions prescribed by this chapter for a particular license and satisfies the Clerk that such occupation does not and will not endanger the public welfare, order, safety, health, or morals, shall be entitled to a license upon filing a proper application and paying the full fee required.

**124.05 APPLICATION; FEE.** Application for any license shall be in writing, on forms furnished by the Clerk. Every application shall include the applicant’s full name, the address of the applicant’s place of residence, the address of the applicant’s business establishment or office (if any), and the applicant’s local address (if any). If the applicant is a corporation or other association, it shall also list the names and addresses of its principal officers. The application shall be filed with the Clerk. If the Clerk determines that the application is in

proper form and that all of the prescribed conditions for the issuance of the license have been satisfied, the Clerk shall issue the license, bearing the Clerk's signature and the signature of the Mayor and the time of issue. The title of the license shall contain the name of the occupation licensed. All fees required shall be paid to the Clerk, who shall give the applicant a written receipt showing the sum received and the time of receipt.

**124.06 REFUSAL AND APPEAL.** If the Clerk refuses to issue a license, the Clerk shall endorse the reasons upon the application. The applicant then shall have the right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the Council members present, if there is a quorum, and the Clerk shall carry out the Council's decision.

**124.07 POWER TO INSPECT AND INVESTIGATE.** The Clerk shall have power to inspect and investigate the conduct of the occupations licensed by the City or to cause such an inspection or investigation to be made by the police.

**124.08 REVOCATION.** The Clerk, after giving reasonable notice and a hearing, may revoke any license for the following reasons:

1. The licensee has made fraudulent statements in the application or in the conduct of the licensee's business
2. The licensee has violated this chapter or has otherwise conducted the business or activity in an unlawful manner, or contrary to any applicable provisions of this Code of Ordinances.
3. The licensee has conducted the business or activity in a manner endangering the public welfare, health, safety, order or morals.

The notice shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. The notice shall state the time and place of the hearing and the reasons for the intended revocation.

**124.09 APPEAL.** If the Clerk revokes a license, the Clerk shall immediately notify the Council in writing, giving the reasons for the revocation. The licensee then shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the Council members present, if there is a quorum.

**124.10 EFFECT OF REVOCATION.** Revocation of a license shall bar such person from being eligible for any license for a period of one year from the date of revocation.

**124.11 REBATES.** Any licensee, except in the case of a revocation, shall be entitled to a rebate of part of the fee paid upon surrender of the license to the City prior to expiration. The rebate shall be prorated based upon unexpired quarters. In all cases, at least fifteen dollars (\$15.00) of the original fee shall be retained by the City to cover administrative costs. Any license issued for a period of less than one year shall not be eligible for a rebate.

**124.12 TRANSFER.** A license shall not be transferable to another person, nor shall it be used for a purpose other than that for which it was issued.

**124.13 TERM OF LICENSE.** Unless otherwise provided, licenses expire one year from the date of issue.

**124.14 EXHIBITION OF CERTIFICATE.** Every licensee shall carry the license certificate upon his or her person at all times when engaged in the activity for which the license was granted, except that where such activity is conducted at a fixed place or establishment, the license certificate shall be exhibited at all times in some conspicuous place in the place of business. The licensee shall exhibit the license certificate when applying for a renewal and upon demand of any police officer or person representing the City.

**124.15 BILL POSTERS.** The following regulations and fees apply to licensing of bill posters:

1. An application for a bill poster's license shall contain a description of the boundaries of the areas of the City in which the distribution is to be made. The license shall limit distribution of bills in the City to these areas.
2. Bill posters shall not attach bills to any tree, pole, sidewalk, building, or other structure.
3. Bills shall not be distributed in such a manner that they may be blown down or scattered.
4. Bills larger than 9 x 12 inches in size shall not be handed to persons on the sidewalks or streets or public property or attached to automobiles parked on any streets, alleys, or public property.
5. The fee for a bill poster's license is five dollars (\$5.00) per day, and the license shall expire 24 hours after issue.

**124.16 JUNK DEALERS.** The following regulations and fees apply to licensing of junk dealers:

1. A junk dealer shall maintain a permanent record book that shows a description of each item received, the name and address of the person from whom it was received, the quantity or weight of each item, the amount paid, and the time and date of the transaction.
2. A junk dealer shall segregate each day's collection for a period of forty-eight (48) hours. During this period, no item shall be disposed of or altered in any manner.
3. A junk dealer shall not purchase or receive junk from a minor unless the junk dealer first receives the written consent of the parents or guardian of the minor. This consent shall be attached to the record book as a part of the permanent record.
4. In order to discover stolen property, police officers shall be permitted at all times to inspect the junk dealer's yard, store, or establishment without a warrant to search the premises.
5. A junk dealer's yard shall be enclosed with a six-foot fence that hides the contents of the yard from public view.
6. The fee for a junk dealer's license is fifty dollars (\$50.00) per year.

**124.17 PAWNBROKERS.** The following regulations and fees apply to licensing of pawnbrokers:

1. Bond. An applicant for a license under this section shall file a bond executed by a surety bonding company in the sum of \$2,000.00, conditioned that the applicant will comply with all the conditions and regulations of this section, and that the

applicant will pay all fines, costs, or penalties imposed for failure to do so, and also conditioned that all damages any person may sustain by reason of the applicant's taking in pledge or purchasing any stolen property (and that if the stolen property is sold by the applicant so that it cannot be returned to the owner), then the applicant will pay the owner the value thereof, or if the property still remains in the applicant's possession, the applicant will deliver the same to the owner, together with all costs and charges sustained by the owner in recovering possession thereof.

2. Record. A pawnbroker shall secure from the Police Chief a form sheet in which the pawnbroker shall accurately and intelligibly enter in ink and in the English language at the time of purchasing or receiving any personal property all of the following:

- A. The name of the person from whom the property was purchased or received, the person's place of residence and the person's driver's license number, which shall be visually verified by the pawnbroker from inspection of the person's driver's license. If the person has no driver's license, the pawnbroker shall visually verify the person's name from a passport or other photo identification.
- B. A particular, detailed and accurate description of each article.
- C. The estimated value of each article.
- D. The amount paid, advanced or loaned.
- E. The date and hour of transaction.
- F. The time when the article is to be redeemed or bought back.
- G. What, if any, mortgage or bill of sale was taken, or receipt or pawn ticket given.
- H. When, and by whom, said article was bought back or redeemed.
- I. When, to whom, and how said article was disposed of, if not redeemed.

The form sheets shall be open to examination by any police officer at any time. Copies of the form sheets shall be delivered by a pawnbroker to the Police Department at such times as the Police Department shall prescribe.

3. Memorandum of Loan. A pawnbroker shall, at the time of each loan, deliver to the person pawning any article or goods a memorandum or note, signed by the pawnbroker. The memorandum or note shall contain the substance of the entry required to be made on the pawnbroker's form sheets. No charge shall be made by a pawnbroker for such entry or memorandum or note.

4. Sale of Pawned Articles. No pawnbroker shall sell any pawned or pledged article until it shall have remained 30 days in the pawnbroker's possession after the time for the payment of the amount loaned has expired and 10 days for any sold item. Such sale shall be at public auction, unless otherwise agreed by consent in writing of the person pawning the article.

5. Security Camera. The facility shall have a security camera located in the area of the store in which guns are sold and the facilities windows shall have bars over them.

6. Database System. All items pawned or sold will be entered into the "LeadsOnline" database system and an itemized list will be given to the Tipton Police Chief and the Cedar County Sheriff every two weeks.
7. The fee for a pawnbroker's license is \$50.00 a year, or \$25.00 for the remainder of the fiscal year if the license is issued during the last six months of the fiscal year of the City.

**124.18 DEALERS IN USED ARTICLES.** Any person in the business of buying, selling, or exchanging used articles shall keep a record of all such articles purchased. This record shall contain a detailed and accurate description of the articles so purchased, including the number or numbers, if any, or any marks of identification on the articles, together with name and address and general physical description of the person from whom such articles were purchased or received, and the name and address and physical description of the person to whom such articles were sold and delivered. Such records, together with the stock of such articles on hand, shall be open to inspection by any police officer at any reasonable time of the day or night.

**124.19 PURCHASES FROM MINORS.** Persons engaged in the business of buying, selling or exchanging used articles, junk dealers, and pawnbrokers shall not purchase or receive any such articles from any minor without the written consent of the minor's parent or guardian, nor shall any such person sell or deliver any such article to any minor without written consent of the minor's, parent or guardian. The provisions of this section shall not apply to the purchases and sale of used books and clothing.

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## CHAPTER 135

### STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices

135.02 Obstructing or Defacing

135.03 Placing Debris On

135.04 Playing In

135.05 Traveling on Barricaded Street or Alley

135.06 Use for Business Purposes

135.07 Washing Vehicles

135.08 Burning Prohibited

135.09 Excavations

135.10 Maintenance of Parking or Terrace

135.11 Failure to Maintain Parking or Terrace

135.12 Dumping of Snow

135.13 Driveway Culverts

**135.01 REMOVAL OF WARNING DEVICES.** It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

*(Code of Iowa, Sec. 716.1)*

**135.02 OBSTRUCTING OR DEFACING.** It is unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

*(Code of Iowa, Sec. 716.1)*

**135.03 PLACING DEBRIS ON.** It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle.

*(Code of Iowa, Sec. 321.369)*

**135.04 PLAYING IN.** It is unlawful for any person to coast, sled or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

**135.05 TRAVELING ON BARRICADED STREET OR ALLEY.** It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the fire department.

**135.06 USE FOR BUSINESS PURPOSES.** It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

**135.07 WASHING VEHICLES.** It is unlawful for any person to use any public sidewalk, street or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

**135.08 BURNING PROHIBITED.** No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

**135.09 EXCAVATIONS.** No person shall dig, excavate or in any manner disturb any street, parking or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit therefor. A written application for such permit shall be filed with the City and shall contain the following:
  - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
  - B. A statement of the purpose, for whom and by whom the excavation is to be made;
  - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
  - D. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.
4. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
  - A. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
  - B. Property Damage - \$50,000.00 per accident.
5. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
6. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.
7. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner.

8. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.
9. Notification. At least forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the Code of Iowa.
10. Permit Fee. A permit fee as established in the building permit fee schedule shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.
11. Permit Issued. Upon approval of the application and filing of insurance certificate, and payment of any required fees, a permit shall be issued.

**135.10 MAINTENANCE OF PARKING OR TERRACE.** The abutting property owner shall maintain all property outside the lot and property lines and inside the curb lines upon public streets and shall keep such area in a safe condition, free from nuisances, obstructions, and hazards. In the absence of a curb, such property shall extend from the property line to that portion of the public street used or improved for vehicular purposes. The abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes, but is not limited to, timely mowing, trimming trees and shrubs, and picking up litter and debris. The abutting property owner may be liable for damages caused by failure to maintain the publicly owned property or right-of-way.

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

**135.11 FAILURE TO MAINTAIN PARKING OR TERRACE.** If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

**135.12 DUMPING OF SNOW.** It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

**135.13 DRIVEWAY CULVERTS.** The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

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## CHAPTER 136

# SIDEWALK REGULATIONS

136.01 Purpose	136.11 Interference with Sidewalk Improvements
136.02 Definitions	136.12 Awnings
136.03 Removal of Snow, Ice and Accumulations	136.13 Encroaching Steps
136.04 Responsibility for Maintenance	136.14 Openings and Enclosures
136.05 City May Order Repairs	136.15 Fires or Fuel on Sidewalks
136.06 Sidewalk Construction Ordered	136.16 Defacing
136.07 Permit Required	136.17 Debris on Sidewalks
136.08 Sidewalk Standards	136.18 Merchandise Display
136.09 Barricades and Warning Lights	136.19 Sales Stands
136.10 Failure to Repair or Barricade	

**136.01 PURPOSE.** The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. "Defective sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:
  - A. Vertical separations equal to three-fourths ( $\frac{3}{4}$ ) inch or more.
  - B. Horizontal separations equal to one (1) inch or more.
  - C. Holes or depressions equal to three-fourths ( $\frac{3}{4}$ ) inch or more and at least four (4) inches in diameter.
  - D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to one-half ( $\frac{1}{2}$ ) inch or more.
  - E. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths ( $\frac{3}{4}$ ) inch or more.
  - F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
  - G. A sidewalk with any part thereof missing to the full depth.
  - H. A change from the design or construction grade equal to or greater than three-fourths ( $\frac{3}{4}$ ) inch per foot.
3. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
4. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.

5. “Owner” means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, “owner” includes the lessee, if any.
6. “Portland cement” means any type of cement except bituminous cement.
7. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
8. “Sidewalk improvements” means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
9. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

**136.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS.** It is the responsibility of the abutting property owners to remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within twenty-four (24) hours after cessation of such accumulation, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk.

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

**136.04 RESPONSIBILITY FOR MAINTENANCE.** The abutting property owner shall repair, replace, or reconstruct, or cause to be repaired, replaced, or reconstructed, all broken or defective sidewalks and maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

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

**136.05 CITY MAY ORDER REPAIRS.** If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

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

*(Code of Iowa, Sec. 384.38)*

**136.07 PERMIT REQUIRED.** No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work.

**136.08 SIDEWALK STANDARDS.** Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be in accordance with SUDAS Standards.

**136.09 BARRICADES AND WARNING LIGHTS.** Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

**136.10 FAILURE TO REPAIR OR BARRICADE.** It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

**136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS.** No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

**136.12 AWNINGS.** It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

**136.13 ENCROACHING STEPS.** It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

**136.14 OPENINGS AND ENCLOSURES.** It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

**136.15 FIRES OR FUELS ON SIDEWALKS.** It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

**136.16 DEFACING.** It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

*(Code of Iowa, Sec. 716.1)*

**136.17 DEBRIS ON SIDEWALKS.** It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal or vehicle.

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

**136.18 MERCHANDISE DISPLAY.** It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

**136.19 SALES STANDS.** It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

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## CHAPTER 137

# VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate  
137.02 Planning and Zoning Commission  
137.03 Notice of Vacation Hearing

137.04 Findings Required  
137.05 Disposal of Vacated Streets or Alleys  
137.06 Disposal by Gift Limited

**137.01 POWER TO VACATE.** When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof, or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.  
*(Code of Iowa, Sec. 364.12[2a])*

**137.02 PLANNING AND ZONING COMMISSION.** Any proposal to vacate a street, alley, portion thereof, or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.  
*(Code of Iowa, Sec. 392.1)*

**137.03 NOTICE OF VACATION HEARING.** The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

**137.04 FINDINGS REQUIRED.** No street, alley, portion thereof, or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof, or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

**137.05 DISPOSAL OF VACATED STREETS OR ALLEYS.** When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, *Code of Iowa*.

*(Code of Iowa, Sec. 364.7)*

**137.06 DISPOSAL BY GIFT LIMITED.** The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.

*(Code of Iowa, Sec. 174.15[2] & 364.7[3])*

<b>EDITOR'S NOTE</b>			
The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets, alleys and/or public grounds and remain in full force and effect.			
<b>ORDINANCE NO.</b>	<b>ADOPTED</b>	<b>ORDINANCE NO.</b>	<b>ADOPTED</b>
46	June 1, 1891		
47	June 1, 1891		
49	July 3, 1893		
58	June 1, 1891		
50	June 3 1895		
67	July 25, 1923		
78	February 27, 1929		
110	October 20, 1947		
68	October 8, 1952		
141	October 17, 1961		
154	September 9, 1963		
176	January 4, 1967		
182	November 7, 1967		
190	March 19, 1970		
200	April 2, 1970		
265	May 3, 1976		
320	June 3, 1985		
336	June 10, 1987		
350	January 17, 1990		
353	September 19, 1990		
425	August 27, 2001		
430	September 17, 2001		
443	December 2, 2002		
455	April 21, 2003		
460	August 4, 2003		
494	September 17, 2007		
519	March 5, 2012		
542	September 3, 2014		

**CHAPTER 138**  
**STREET GRADES**

**138.01 Established Grades**

**138.02 Record Maintained**

**138.01 ESTABLISHED GRADES.** The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance, are hereby confirmed, ratified, and established as official grades.

**138.02 RECORD MAINTAINED.** The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

<b>EDITOR'S NOTE</b>			
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.			
<b>ORDINANCE NO.</b>	<b>ADOPTED</b>	<b>ORDINANCE NO.</b>	<b>ADOPTED</b>

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## CHAPTER 139

# NAMING OF STREETS

139.01 Naming New Streets  
139.02 Changing Name of Street  
139.03 Recording Street Names

139.04 Official Street Name Map  
139.05 Revision of Street Name Map

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

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.
3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

**139.02 CHANGING NAME OF STREET.** The Council may, by resolution, change the name of a street.

**139.03 RECORDING STREET NAMES.** Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

*(Code of Iowa, Sec. 354.26)*

**139.04 OFFICIAL STREET NAME MAP.** Streets within the City are named as shown on the Official Street Name Map, which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 139.04 of the Code of Ordinances of Tipton, Iowa."

**139.05 REVISION OF STREET NAME MAP.** If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk.

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## CHAPTER 140

# CONTROLLED ACCESS FACILITIES

140.01 Exercise of Police Power  
140.02 Definition  
140.03 Right of Access Limited

140.04 Access Controls Imposed  
140.05 Unlawful Use of Controlled Access Facility  
140.06 Permitted Access Points

**140.01 EXERCISE OF POLICE POWER.** This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, *Code of Iowa*, for the preservation of the public peace, health, safety and for the promotion of the general welfare.  
*(Code of Iowa, Sec. 306A.1)*

**140.02 DEFINITION.** The term “controlled access facility” means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason.  
*(Code of Iowa, Sec. 306A.2)*

**140.03 RIGHT OF ACCESS LIMITED.** No person has any right of ingress or egress to or from abutting lands onto or across any controlled access facility, except at such designated points at which access is permitted.  
*(Code of Iowa, Sec. 306A.4)*

**140.04 ACCESS CONTROLS IMPOSED.** There are hereby fixed and established controlled access facilities on Primary Highway No 38 within the City. The points of access shall consist of access ways from abutting property to the adjacent traffic lane or roadway and their location shall be expressed in terms of stations, each representing a distance of 100 feet measured along the centerline of the controlled access facility from the points of reference stated herein:  
*(Code of Iowa, Sec. 306A.3)*

**140.05 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY.** It is unlawful for any person to:  
*(Code of Iowa, Sec. 306A.3 and 321.366)*

1. Cross Dividing Line. Drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on such controlled access facilities.
2. Turns. Make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line.
3. Use of Lanes. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section or line.
4. Enter Facility. Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing

curb or dividing section or dividing line which separates such service road from the controlled access facility property.

**140.06 PERMITTED ACCESS POINTS.**

*(Code of Iowa, Sec. 306A.4)*

1. Points of access are hereby permitted as follows, with reference to Iowa State Highway Commission Project No. F-469(6):

Station	Side of Street	Drive or Entrance Width	Type of Drive or Entrance
1799+79.3	Both	25 feet	Centerline South Street
1800+33.5	West	25 feet	Commercial
1801+52	West	25 feet	Commercial
1801+65.5	East	18 feet	Residential
1802+64	East	18 feet	Residential
1802+93	East	25 feet	Commercial
1803+60.2	Both		Centerline First Street

2. Points of access are hereby permitted as follows, with reference to Iowa State Highway Commission Project No. F-469(7):

Station	Side of Street	Drive or Entrance Width	Type of Drive or Entrance
1006+94	right and left	30 feet	Street Intersection
1002+02	left	13 feet	Residential
1002+13	right	15 feet	Residential
1002+34	left	30 feet	Commercial
1002+54	right	16 feet	Residential
1003+09	left	45 feet	Commercial
1004+23	left	13 feet	Residential
1004+42	left	8 feet	Residential
1005+32	left	16 feet	Residential
1005+90	right	15 feet	Residential
1008+00	left	45 feet	Commercial (joint)
1009+00	right	45 feet	Commercial
1010+31	right	45 feet	Commercial
1011+58	left	28 feet	Commercial (joint)
1012+82	left	26 feet	Commercial
1013+23	right	13 feet	Residential
10133+37.5	right	30 feet	Street Intersection



3. Points of access are hereby permitted as follows, with reference to Iowa State Highway Commission Projects No. FN-38-2(2)-10-16 and FN-38-2(3)-10-16:

<b>Station</b>	<b>Side of Street</b>	<b>Drive or Entrance Width</b>	<b>Type of Drive or Entrance</b>
1804+96	Left	18 feet	Commercial
1805+43	Right	12 feet	Commercial
1806+65	Left	28 feet	Commercial
1808+47	Left	18 feet	Residential
1810+06	Left	28 feet	Commercial
1811+98	Right	40 feet	Commercial
1813+93	Right	18 feet	Commercial
1823+59	Right	36 feet	Commercial
1824+54	Right	24 feet	Commercial
1824+80	Left	14 feet	Residential
1828+44	Right	22 feet	Residential
1828+44	Left	18 feet	Commercial
1829+32	Left	12 feet	Residential
1832+08	Right	12 feet	Residential
1832+18	Left	32 feet	Residential and Alley
1835+64	Right	20 feet	Residential
1836+13	Right	48 feet	Commercial
1836+62	Left	36 feet	Commercial and Residential
1837+17	Right	40 feet	Commercial
1838+59	Left	15 feet	Residential
1839+05	Left	15 feet	Residential
1839+22	Left	15 feet	Residential
1839+60	Right	12 feet	Residential
1839+65	Left	14 feet	Residential
1840+38	Right	10 feet	Residential
1840+40	Left	12 feet	Residential
1841+13	Left	16 feet	Residential
1841+84	Left	12 feet	Residential
1841+99	Right	13 feet	Residential
1842+55	Right	16 feet	Residential
1842+75	Left	10 feet	Residential
1842+65	Left	26 feet	Residential

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## CHAPTER 141

# GREEN ALTERNATIVE TRANSPORTATION SYSTEM

141.01 Introduction

141.02 Scope

141.03 Authorized Use of the GAT System

141.04 Build-Out Schedule and Financing

141.05 Designation of Routes

141.06 Golf Carts

141.07 Speed Limits and Right-of-Way

**141.01 INTRODUCTION.** On July 6, 2009, the City Council of the City of Tipton, in Resolution Number 09-0706, resolved to begin a Green Alternative Transportation System to include multi-use paths and streets through and around the City of Tipton to:

1. Encourage wellness and physical fitness among our residents.
2. Provide the highest quality recreational facilities for our residents.
3. Promote the use of non-polluting modes of transportation for daily use.
4. Participate in the development of safe routes to school for our school children.
5. Incorporate the concepts of the Complete Streets program to the extent possible.
6. Develop amenities in our community that will promote economic development.
7. Seek methods of maintaining independence for our elderly residents.

The City Council further resolved that to meet these goals, the City would undertake to implement a Green Alternative Transportation System in the City to include streets, trails, and paths that will allow for a citizen to go to any location in the corporate limits of the City safely by foot, bicycle, motorized bicycle (with an electric motor) or other human powered vehicle, electric golf cart, neighborhood electric vehicle, or such other conveyance in a safe fashion, and that such a plan will further include a recreational trail or path around the City in its entirety which connects to the paths on existing City streets. The Council further resolved to incorporate the Safe Routes to School program's goals, and Complete Streets program's goals in the implementation of such a Green Alternative Transportation System (hereinafter also referred to as GAT System).

**141.02 SCOPE.** This chapter authorizes a Green Alternative Transportation System in the City, to include such paths, trails, and City streets as the Council deems necessary and appropriate by resolution to include in the Green Alternative Transportation System.

**141.03 AUTHORIZED USE OF THE GAT SYSTEM.** Any pedestrian, bicycle, other human powered vehicle (HPV), electric golf cart, neighborhood electric vehicle (NEV), or such other conveyance is authorized to use the paths, trails, and streets in the Green Alternative Transportation System without restriction except as otherwise noted in this chapter. Vehicles (including snowmobiles, four- and six-wheeled utility vehicles, and four-wheelers) powered by gasoline or diesel or any other fuel are prohibited from using the GAT System dedicated paths or trails unless otherwise specifically authorized by the *Code of Iowa* or elsewhere in this section. Nothing in this section prohibits the use of surface streets including those shared by the GAT System by any lawful vehicle as provided by law. Law

enforcement vehicles and maintenance vehicles are authorized on the dedicated paths and trails at any time in the legitimate performance of their duties.

**141.04 BUILD-OUT SCHEDULE AND FINANCING.** The implementation of the initial phases of the Green Alternative Transportation System may be carried out as soon as the streets and paths authorized by resolution to be included in the GAT System can be marked. Subsequent phases can be included in the GAT System implemented by resolution of the Council as funding and easements can be acquired. Each phase of the GAT System will include the elements of Complete Streets and Safe Route to Schools programs as necessary and appropriate. The Iowa Bicycle Coalition will be consulted regarding best practices, and new path construction will be property engineered. As surface streets included in the GAT System are due for reconstruction, they will be reconstructed using the Complete Streets concepts to the greatest extent possible.

**141.05 DESIGNATION OF ROUTES.** Routes, streets, paths, and trails may be designated, added, or changed in the GAT System by resolution of the City Council.

**141.06 GOLF CARTS.** Subject to regulations elsewhere in this chapter, electric golf carts will be allowed on the designated GAT System streets, paths, and trails. Gas golf carts will be allowed from a period of two years after the adoption of the ordinance codified in this section.<sup>†</sup> At the end of the two years, gasoline-powered golf carts will no longer be allowed to use the GAT System paths, streets, and trails.

1. **Golf Cart Operation.** The City shall allow the operation of golf carts on City streets by persons possessing a valid driver's license. However, a golf cart shall not be operated on any street that is a primary road extension through the City. The golf carts shall be equipped with a slow moving vehicle sign and a bicycle safety flag and only operate on the City streets from sunrise to sunset. Golf carts operated on City streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the Council.

*(Code of Iowa, Sec. 321.247)*

2. Golf cart owners must apply for and obtain a City use permit annually. The City golf cart use permit fee will be set by resolution of the Council and reviewed periodically. In order to be issued a permit, the cart must be inspected by the City to ensure that it complies with the equipment requirements of subsection 1 of this section and Section 321.247 of the *Code of Iowa*.

3. Golf carts may be used on streets, paths, and trails designated as belonging to the Green Alternative Transportation System, but not on other City Streets except for the most direct route from a residence to a designated street, path, or trail on the GAT System. Through streets and highways may be crossed but not traveled upon to reach a designated GAT System street, path, or trail.

4. Golf carts shall not be modified for increased speed.

5. All equipment shall be in operational order, and the operator shall have a valid Iowa driver's license in his/her possession while operating the golf cart on the GAT System or authorized City street.

6. No golf carts shall be operated or parked on City sidewalks unless that sidewalk is included and marked as a GAT System route, path, or trail.

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<sup>†</sup> **EDITOR'S NOTE:** Ordinance No. 532 was adopted on May 20, 2013.

7. Operators must follow all Iowa traffic code rules and regulations.
8. Operators of golf carts must yield to all human powered vehicles, bicycles, and pedestrians using the designated GAT System streets, paths and trails.
9. Golf carts may not be used before dawn or after dusk on the City Streets or on designated GAT System streets, paths, or trails.

**141.07 SPEED LIMITS AND RIGHT-OF-WAY.** Speed limits on those portions of the GAT System using shared surface streets shall be the speed limit imposed by sign or law. The maximum speed on any dedicated path or trail in the GAT System will be 15 miles per hour. Pedestrians have the right-of-way throughout the system, and all human powered or electric powered vehicles shall yield the right-of-way to pedestrians. All traffic shall use the right-most portion of the street, path, or trail on the GAT System except to pass where safe.

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## CHAPTER 145

### ABANDONED OR UNSAFE BUILDINGS

145.01 Definitions	145.09 Scheduling Hearing
145.02 Abatement of Abandoned or Unsafe Buildings	145.10 Effect of Failure to Appeal
145.03 Violation	145.11 Scope of Hearing on Appeal
145.04 Unsafe Buildings	145.12 Staying of Order Under Appeal
145.05 Notices and Orders	145.13 Conduct of Hearing Appeals
145.06 Board of Appeals	145.14 Enforcement
145.07 Form of Appeal	145.15 Penalty
145.08 Processing Of Appeal	

**145.01 DEFINITIONS.** For the purpose of this chapter, certain terms, phrases, words, and their derivatives shall be construed as specified either in this chapter or as specified in the Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used, and Webster's *Third New International Dictionary of the English Language, Unabridged*, copyright 1986, shall be construed as providing ordinary accepted meanings.

1. "Abandoned building" means any building or structure which has been abandoned for a period of six months (6) and which building or structure or portion thereof constitutes a nuisance or hazard to the public, or a detriment to the neighborhood or surrounding properties or violates any provision of Section 145.04 of this chapter.
2. "Building Code" is the *International Building Code* as adopted in Chapter 155 of this Code of Ordinances.
3. "Code Official" means the official of the City appointed to administer this chapter and any duly authorized representatives.
4. "Owner" means any person who holds a legal or equitable interest in the property, along with any mortgagee, lien holder, or other person that holds an interest of record in the property.
5. "Person" means an individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership, or association, or any other legal entity.
6. "Unsafe building" is any building or structure deemed to be dangerous under the provisions of Section 145.04 of this chapter.

**145.02 ABATEMENT OF ABANDONED OR UNSAFE BUILDINGS.** All buildings or portions thereof which are determined after inspection to be abandoned or unsafe are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

**145.03 VIOLATION.** Each day's violation of any provision of this chapter or failure to comply with an order given hereunder constitutes a separate offense. In addition to other prescribed penalties, the Code Official, after notice as prescribed, may cause said work to be done to accomplish compliance and assess said costs to the property. The Code Official may

further initiate civil legal proceedings against the owner to recoup costs and associated legal and enforcement expenses.

**145.04 UNSAFE BUILDINGS.** For the purpose of this chapter, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants is endangered.

1. Whenever any door, aisle, passageway, stairway, or other means of exit is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to dead and live loads, is more than one and one-half (1½) times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose, or location.
5. Whenever any portion or member or appurtenance thereof is in substantial danger of failure, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. 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 one-half of that specified in the Building Code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the Building Code for such buildings.
7. Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is in substantial danger of partial or complete collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is unsafe for the purpose for which it is being used.
10. 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.
11. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) more damage or deterioration of its supporting member or



members, or fifty percent (50%) damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or by any other cause or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals, or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

13. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code, or of any State law or ordinance of the City relating to the condition, location, or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member, or portion less than fifty percent (50%) or in any supporting part, member or portion less than sixty-six percent (66%) of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

15. Whenever a building or structure used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Code Official to be unsanitary, unfit, for human habitation or in such a condition that is likely to cause sickness or disease.

16. 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 Code Official to be a fire hazard.

17. 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.

18. Whenever any portion of a building or structure remains on a site after the total or partial demolition or destruction of the building or structure.

19. Whenever any portion of a building or structure has been used in the making, manufacturing or "cooking" of methamphetamine as determined by the Police Department, other law enforcement agency and/or certified peace officer having jurisdiction within the City limits, buildings or structures shall be vacated and remain abandoned and unsafe until the following conditions are met:

A. Any owner or landlord that has a building or structure meeting the above criteria shall provide certification, at the owner or landlord's expense, from an ABIH Certified Industrial Hygienist that the amount of methamphetamine residue (for purposes of this code section, methamphetamine residue includes chemicals used in the making of the drug known as meth) present in the building or structure is 0.1 micrograms per one hundred (100) square centimeters or less prior to any occupancy or to the issuance of a new certificate of occupancy.

- (1) Testing shall be done in each room and shall include basement, attic areas, and heat and cooling duct systems.
- B. For purposes of this section, any building or structure shall include apartments, single-family homes, garages, hotel/motel rooms, mobile homes, rooms for rent, duplex dwellings, or any other building or structure.
- (1) Any time a garage that is attached to and/or shares a common access point to the living quarters is used for the making, manufacturing, or cooking of methamphetamine, the garage and living quarters will be deemed abandoned and unsafe until such time as subsection A of this section is met.
  - (2) Anytime a motel/hotel room is used for the making, manufacturing, or cooking of methamphetamine, that room will be considered abandoned and unsafe and will not be allowed to be occupied until the owner provides documentation as provided for in subsection A of this section.
- C. All property owners shall disclose the past presence of methamphetamine prior to the sale, occupancy, or rental of any unit that was or has been determined to be abandoned or unsafe for three (3) years after being certified below 0.1 micrograms per one hundred (100) square centimeters.

#### **145.05 NOTICES AND ORDERS.**

1. Commencement of Proceedings. When the Code Official has inspected or caused to be inspected any building and has found and determined that such building is an unsafe or abandoned building, the Code Official shall commence proceedings to cause the repair, vacation, or demolition of the building.
2. Notice and Order. The Code Official shall issue a notice and order directed to the owner of the building. The notice and order shall contain:
  - A. The street address and a legal description sufficient for identification of the premises upon which the building is located.
  - B. A statement that the Code Official has found the building to be dangerous with a brief and concise description of the conditions found to render the building unsafe under the provisions of this chapter.
  - C. A statement of the action required to be taken as determined by the Code Official.
    - (1) If the Code Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed sixty days from the date of order) and completed within such time as the Code Official shall determined is reasonable under all of the circumstances.
    - (2) If the Code Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the Code Official.

(3) If the Code Official has determined that the building or structure must be demolished or repaired, the order shall require that the building be vacated within such time as the Code Official shall determine is reasonable (not to exceed thirty days from the date of order); that all required permits be secured therefor within thirty days from the date of the order; and that the demolition be completed within such time as the Code Official shall determine is reasonable (not to exceed ninety days).

D. Statement advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Code Official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

E. Statement advising (i) that any person having any record title or other legal interest in the building may appeal from the notice and order or any action of the Code Official to the Board of Appeals, provided the appeal is made in writing as provided in this chapter and filed with the Code Official within fifteen (15) days from the date of service of such notice and order and or posting of said building; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

3. Service of Notice and Order. The notice and order, and any amendment or supplemental notice and order, shall be served upon all owners of record at the mailing address last listed at the County Assessor's office or as may be of record in the County Recorder's office or elsewhere, either by certified mail or personal service. Additionally, the property shall be placarded as an unsafe or abandoned building. Should all reasonable attempts consistent with due process of law to serve, locate, or ascertain all owners of record fail, placarding the property shall be deemed adequate and legal notice to all such persons. The inability of the Code Official to serve any owner or owners of record shall not invalidate any proceedings hereunder as to any other person duly served or relieve any person not served from any duty or obligation imposed by the provisions of this chapter.

4. Method of Service. Service by certified mail in the manner herein provided shall be effective on the date of mailing and service by placarding the property shall be effective on the date of placement of said placard. Personal service shall be effected in any manner provided for in the Iowa Rules of Civil Procedure and shall be effective on the actual date of such service.

5. Proof of Service. Proof of service of the certified notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgement of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Code Official. Proof of personal service shall be made by attaching a return of service form executed in compliance with the Iowa Rules of Civil Procedure affixed to the copy of the notice and order retained by the Code Official.

6. Recordation of Notice and Order. If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the

Code Official shall file in the office of the County Recorder a certificate describing the property and certifying (i) that the building is an unsafe or abandoned building and (ii) that all owners of record have been notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the Code Official shall file a new certificate with the County Recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

7. Repair, Vacation and Demolition. The following standards shall be followed by the Code Official (and by the Board of Appeals if an appeal is taken) in ordering the repair, vacation, or demolition of any dangerous building or structure:

A. Any building declared an unsafe or abandoned building under this chapter shall be made to comply with one of the following:

(1) The building shall be repaired in accordance with the current Building Code or other current code applicable to the type of substandard conditions requiring repair; or

(2) The building shall be demolished; or

(3) If the building does not constitute an immediate danger to the life, limb, property, or safety of the public, it may, at the discretion of the Code Official, be vacated, secured, and maintained against entry.

B. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or its occupants, it shall be ordered to be vacated.

8. Posting. Every notice to vacate shall, in addition to being served as provided in this section, be posted at or upon each exit of the building and shall be in substantially the following form:

**DO NOT ENTER**  
**UNSAFE TO OCCUPY**  
It is a municipal infraction to occupy this building,  
or to remove or deface this notice.  
Code Official  
City of Tipton, Iowa

9. Compliance. Whenever such notice is posted, the Code Official shall include a notification thereof in the notice and order issued. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish, or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal has been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

10. Emergency Abatement. Notwithstanding other provisions of this chapter, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including but not limited to boarding up of openings, repair or demolition, to render such structure safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems

necessary to meet such emergency. Costs incurred in the performance of emergency work shall be collected as elsewhere provided in this chapter.

**145.06 BOARD OF APPEALS.** Any person directly affected by a decision of the Code Official or a notice or order issued under this chapter shall have the right to appeal to the Construction Board of Appeals, provided that a written notice of appeal is filed within fifteen (15) days of the date of the notice or order and/or the building posted. An application for appeal shall be based on a claim that the true intent of this chapter or the rules adopted hereunder have been incorrectly interpreted, the provisions of this chapter do not apply, or the requirements of this chapter are adequately satisfied by other means. The Construction Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this chapter, nor shall the Board be empowered to waive requirements of this chapter.

**145.07 FORM OF APPEAL.** Any person entitled to service under this chapter may appeal from any notice and order or any action of the Code Official under this chapter by filing at the office of the Code Official a written notice of appeal containing:

1. A heading in the words: *Before the Construction Board of Appeals of the City of Tipton, Iowa.*
2. A caption reading: *Appeal of \_\_\_\_\_*, giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses along with the name and address of their legal representatives, if any.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the notice of appeal.
8. Names and addresses of all property owners within 200 feet of the property in question obtained from then current land property records at the Cedar County Courthouse.

The notice of appeal shall be filed within fifteen (15) days from the date of the order or action of the Code Official; provided, however, if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with this chapter, such appeal shall be filed within five (5) days from the date of the notice and order of the Code Official.

**145.08 PROCESSING OF APPEAL.** Upon receipt of any appeal filed pursuant to this chapter, the Code Official shall present it at the next regular or special meeting of the Board of Appeals.

**145.09 SCHEDULING HEARING.** As soon as practicable after the written appeal, the Board of Appeals shall fix a date, time, and place for the hearing of the appeal by the Board. Such date shall not be less than ten (10) days or more than sixty (60) days from the date the appeal was filed with the Code Official. Written notice of the time and place of the hearing shall be given at least five (5) days prior to the date of the hearing to each appellant by the Secretary of the Board, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, to the appellant at the address or addresses shown on the notice of appeal.

**145.10 EFFECT OF FAILURE TO APPEAL.** Failure of any person to file a notice of appeal in accordance with the provisions of this chapter shall constitute a waiver of right to an administrative hearing and adjudication of the notice and order or any portion thereof.

**145.11 SCOPE OF HEARING ON APPEAL.** Only those matters or issues specifically raised by appellant shall be considered in the hearing of the appeal.

**145.12 STAYING OF ORDER UNDER APPEAL.** Except for vacation orders made pursuant to this chapter, enforcement of any notice and order of the Code Official issued under this chapter shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

**145.13 CONDUCT OF HEARING APPEALS.**

1. Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the Board.
2. Continuances. The Board may grant continuances for good cause shown.
3. Oaths; Certification. In any proceedings under this chapter, the Board or any Board member has the power to administer oaths and affirmations and to certify to official acts.
4. Form of Notice of Hearing. The notice to appellant shall be substantially in the following form, but may include other information:

*You are hereby notified that a hearing will be held before (the Board of Appeals or name of hearing examiner) at \_\_\_\_\_ on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, at the hour \_\_\_\_\_ upon the Notice and Order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.*

5. Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
6. Oral Evidence. Oral evidence shall be taken only on oath or affirmation.
7. Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in the State.

8. Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded at the discretion of the Board of Appeals.
9. Rights of Parties. Each party shall have these rights, among others:
  - A. To call and examine witnesses on any matter relevant to the issues of the hearing;
  - B. To introduce documentary and physical evidence;
  - C. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
  - D. To impeach any witness regardless of which party first called the witness to testify;
  - E. To rebut the evidence; and
  - F. To be represented by anyone who is lawfully permitted to do so.
10. What May Be Noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of the State or of official records of the Board or departments and ordinances of the City or rules and regulations of the Board.
11. Parties To Be Notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.
12. Opportunity To Refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation; to be determined by the Board or hearing examiner.
13. Inspection of the Premises. The Board may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the Board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Board.
14. Hearing Before Board. When a contested case is heard before the Board, a member thereof who did not hear the evidence or has not read the entire record of proceedings shall not vote on or take part in the decision.
15. Form of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent by certified mail, postage prepaid, return receipt requested to the address or addresses set forth on the notice of appeal.
16. Effective Date of Decision. The effective date of the decision shall be stated therein.

#### **145.14 ENFORCEMENT.**

1. General. After any order of the Code Official or the Board of Appeals made pursuant to this chapter shall have become final, no person to whom any such order is

directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a violation of this Code of Ordinances.

2. Failure To Obey Order. If, after any order of the Code Official or Board of Appeals made pursuant to this chapter has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Code Official may (i) cause such person to be prosecuted under this Code of Ordinances or (ii) institute any appropriate action to abate such building as a public nuisance.

3. Failure To Commence Work. Whenever the required repair or demolition is not commenced within thirty (30) days after any final notice and order issued under this chapter becomes effective:

A. The Code Official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto the notice described in Section 145.05(8) of this chapter.

B. No person shall occupy any building that has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repair, demolition, or removal ordered by the Code Official has been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

C. The Code Official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building unsafe or abandoned as set forth in the notice and order; or, if the notice and order required repair and/or demolition, to cause the building to be demolished, and the materials, rubble, and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner provided in chapter.

4. Extension of Time to Perform Work. Upon receipt of an application in writing and an acceptable performance guarantee from the person required to conform to the order and by agreement of such person to comply with the order of allowed additional time, the Code Official may grant an extension of time, not to exceed an additional one hundred twenty (120) days, within which to complete said repair, rehabilitation or demolition, if the Code Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Code Official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

5. Interference With Repair or Demolition Work Prohibited. No person shall obstruct, impede, or interfere with any officer, employee, contractor or authorized representative of the City or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated, or demolished under the provisions of this chapter; or with any person to whom such building has been lawfully sold pursuant to the provisions of this chapter, whenever such officer, employee, contractor or authorized representative of the City, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating, and repairing, or demolishing any such building, pursuant to the provisions of this chapter, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this chapter.



**145.15 PENALTY.** Any person violating any of the provisions of this chapter shall, upon conviction, be subject to the penalties set forth in Section 1.14 of this Code of Ordinances or a violation of any of the provisions of this chapter shall constitute a municipal infraction and may be enforced under Chapter 3 of this Code of Ordinances. Each and every day that a violation occurs or continues shall be deemed a separate offense.

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## CHAPTER 146

# MANUFACTURED AND MOBILE HOMES

### 146.01 Definitions

### 146.03 Foundation Requirements

### 146.02 Conversion to Real Property

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

*(Code of Iowa, Sec. 435.1)*

1. “Manufactured home” means a factory-built structure built under the authority of 42 U.S.C. Sec. 5403 which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Manufactured home community” means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.
4. “Mobile home park” means any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house said entity’s own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

**146.02 CONVERSION TO REAL PROPERTY.** A mobile home or manufactured home that is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

*(Code of Iowa, Sec. 435.26 & Sec. 435.35)*

1. Retailer’s Stock. Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.

2. Existing Homes. A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

**146.03 FOUNDATION REQUIREMENTS.** A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system that meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code.

*(Code of Iowa, Sec. 103A.10 & 414.28)*

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## CHAPTER 150

# BUILDING NUMBERING

### 150.01 Definitions

### 150.02 Owner Requirements

### 150.03 Building Numbering Plan

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

1. “Owner” means the owner of the principal building.
2. “Principal building” means the main building on any lot or subdivision thereof.

**150.02 OWNER REQUIREMENTS.** Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.  
*(Code of Iowa, Sec. 364.12[3d])*
2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than 3½ inches in height and of a contrasting color with their background.  
*(Code of Iowa, Sec. 364.12[3d])*
3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.  
*(Code of Iowa, Sec. 364.12[3h])*

**150.03 BUILDING NUMBERING PLAN.** Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

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## CHAPTER 151

### TREES

151.01 Purpose

151.02 Definitions

151.03 Tree Board

151.04 Urban Forester

151.05 Permits

151.06 Maintenance

151.07 Special, Cultivars and Varieties

151.08 Obstruction

151.09 Nuisance and Condemnation

151.10 Protection of Trees

151.11 Appeals

151.12 Interference

**151.01 PURPOSE.** It is the purpose of this chapter 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.

#### **151.02 DEFINITIONS.**

1. “Large trees” are those trees attaining a height of 45 feet or more.
2. “Parks” means all public parks having individual names.
3. “Right-of-way” means that part of the street or highway not covered by sidewalk or other paving, lying between a property line and that portion of the street or highway usually used for vehicular traffic.

**151.03 TREE BOARD.** There is hereby created and established a Tree Board for the City, which shall consist of five members, including citizens and residents, who shall be appointed by the Mayor, with the approval of the City Council, for staggered terms of three years. Members of the Board shall serve without compensation. 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. The City’s Urban Forester will serve as an ex-officio member of the Tree Board. The Tree Board will assist the City Urban Forester in the development of a comprehensive plan for the City, including planning, tree planting, and maintenance programs for all public trees. The Board will promote the goals of the tree program.

**151.04 URBAN FORESTER.** The City shall employ a City Forester, Urban Forester or Arborist. This individual shall be employed by the Public Works Department and serve as an ex-officio member of the Tree Board. This individual may also be a current City employee. The Urban Forester shall have the following general powers and duties:

1. To direct, manage, supervise, and control the City street program, to include all planting, removal, maintenance and protection of all trees and shrubs on public areas.
2. To guard all trees and shrubs within the City to prevent the spread of disease or pests and to eliminate dangerous conditions that may affect the life, health, or safety of persons or property.
3. To have such other powers and duties as are provided by the laws of the State of Iowa, by ordinance of the City, and by the Tree Board.

The Urban Forester shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other publicly owned property to ensure

safety or preserve or enhance the aesthetics of such public sites. The Urban Forester shall have the authority to supervise or inspect all work done under a permit issued in accordance with the terms of this chapter. The Urban Forester shall have the authority to formulate and publish a master tree plan with the advice, hearing, and approval of the Tree Board.

**151.05 PERMITS.** No person shall plant, remove, cut above or below ground or otherwise disturb any tree on any street or City-owned property without first filing an application and procuring a permit from the Urban Forester or specified municipal authority. For the purpose of this chapter, "specified municipal authority" means the Director of Public Works. The person receiving the permit shall abide by the arboriculture specifications and standards of practice adopted by the Urban Forester. All contractors are required to show adequate insurance coverage from potential damages during the execution of the work.

**151.06 MAINTENANCE.** All trees planted shall have trunks not less than ½-inch in diameter at six inches above the ground. No tree shall be planted closer than three feet from the curb line or outer line of the sidewalk. Parking must be at least 25 feet wide for large tree plantings and at least 15 feet wide for medium trees and small trees. All trees shall be planted in line with each other and at a spacing of 40 to 60 feet, depending on the species planted. No street tree shall be planted under or within 10 lateral feet of any overhead utility wire or over or within 5 lateral feet of any underground utility wire. No trees shall be planted within 50 feet from the corners or intersections. All trees and shrubs on public or private property which have branches overhanging a public street or sidewalk shall have said branches trimmed to a clearance height of 14 feet on the street side and 10 feet on the sidewalk side. All public trees designated for removal shall be completely removed from the growing site and disposed of in an authorized manner.

**151.07 SPECIES, CULTIVARS AND VARIETIES.** The Tree Board develops and maintains a list of desirable trees for planting along streets in three size 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.

**151.08 OBSTRUCTION.** It is the duty of any person owning or operating rental property bordering on any street, upon which property there may be trees, to prune the trees in such a manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct the view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be 10 feet over sidewalks and 14 feet over all streets. When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the City to prune such trees with the cost assessed to the owner as provided by law in special assessments.

**151.09 NUISANCE AND CONDEMNATION.** All street trees planted in violation of, or not maintained in strict compliance with, the provisions of this chapter, or that are dead or dangerous, are declared to constitute a public nuisance. The Urban Forester shall cause written notice to be served on the property owner requiring such nuisances to be corrected within 30 days or the cost of correction will be assessed against the property owner.

**151.10 PROTECTION OF TREES.** During development, redevelopment, razing, or renovating, no more than 50% of the trees shall be cut, damaged, or removed except by specific permit. No person shall excavate any ditches, tunnels, or trenches or lay any drive within a radius of 20 feet from any tree. No person shall intentionally damage, cut, carve, attach any rope, wire, nails, advertising posters or contrivance to any tree; allow any gaseous,



liquid, chemical, or solid substance that is harmful to such trees to come in contact with them; or set fire or permit fire to burn when such fire or the heat will injure any portion of any tree. Tree topping is not allowed on any tree.

**151.11 APPEALS.** Any person who receives an order from the Urban Forester and objects to all or a part thereof, may, within eight days of receipt thereof, notify the Urban Forester and City Council in writing, of the nature of the objection and request a hearing thereon. The hearing shall be held within eight days of notice to the appellant. Within eight days after such hearing, the Mayor shall notify the appellant and the Urban Forester of the final decision.

**151.12 INTERFERENCE.** No person shall prevent, delay, or interfere with the Urban Forester or Forester's assistants in the execution or enforcement of this chapter.

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## CHAPTER 155

# BUILDING CODE

### 155.01 Short Title

### 155.02 International Building Codes Adopted

### 155.03 Amendments

### 155.04 Availability of the Building Code

**155.01 SHORT TITLE.** This chapter shall be known as the “Tipton Building Code,” may be cited as such, and will be referred to as such in this chapter. Any higher standards in the State statutes or City ordinances shall be applicable.

**155.02 INTERNATIONAL BUILDING CODES ADOPTED.** Except as hereinafter modified, that certain building code known as the *International Building Code*, 2009 Edition, including Appendix H titled “Signs,” and that certain building code known as the *International Residential Code*, 2009 Edition, including Appendices E titled “Manufactured Housing Used as Dwellings,” F titled “Radon Controlled Methods,” G titled “Swimming Pools, Spas and Hot Tubs,” H titled “Patio Covers” and K titled “Sound Transmission,” as published by the International Code Council in cooperation with the International Conference of Building Officials, which codes are specifically incorporated by reference, shall be known as the building code. The provisions of said building code shall control the design, construction, quality of materials, erection, installation, addition, alteration, repair, location, relocation, replacement, removal, demolition, use, and maintenance of buildings and other structures within the incorporated limits of Tipton, Iowa.

**155.03 AMENDMENTS.** Certain sections and portions of sections of the *International Building Code*, 2009 Edition (hereinafter IBC) and the *International Residential Code for One- and Two-Family Dwellings*, 2009 Edition (hereinafter IRC), are modified as set forth in this section.

1. Delete the following Sections from Chapter One of the IBC and insert in lieu thereof the following:

**101.1 Title.**

These regulations shall be known as the Building Code of Tipton, hereinafter referred to as “this code.”

**101.4 Referenced codes.**

The other codes listed in Sections 101.4.1 through 101.4.6 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

**101.4.1 Gas.**

The provisions of the *2009 International Fuel Gas Code* shall apply to the installation of gas piping from the point of delivery, gas appliances, and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

**101.4.2 Mechanical.**

The provisions of the *2009 International Mechanical Code* shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators, and other energy-related systems.

**101.4.3 Plumbing.**

The provisions of the *2009 International Plumbing Code* shall apply to the installation, alteration, repair, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *International Private Sewage Disposal Code* shall apply to private sewage disposal systems.

**101.4.4 Property maintenance.**

The provisions of the *2009 International Property Maintenance Code* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

**101.4.5 Fire prevention.**

The provisions of the *2009 International Fire Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

**101.4.6 Energy.**

The provisions of the *State of Iowa Energy Conservation Code* shall apply to all matters governing the design and construction of buildings for energy efficiency.

**105.1 Required.**

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

**105.1.1 Annual permit.**

No permit shall be issued for work to be done by a person who does not have a valid and current license as required by state or local government for the type of work to be performed, except for State's exemption for a homeowner that qualifies for a Homestead Tax Exemption.

**105.1.2 Licenses required.**

a) State of Iowa electrical contractor license with a class B master electrician for all electrical work defined by the State of Iowa contractor licensing program.

- b) State of Iowa master license for hydronic, mechanical, medical gas and plumbing work defined by State of Iowa contractor licensing program.
- c) National Institute for certification in Engineering Technologies (NICET) Level III for any person designing water based fire protection system.
- d) National Institute for certification in Engineering Technologies (NICET) Level III for any person designing fire alarm system.
- e) City of Tipton sewer and water installer license.

### **110.3 Required inspections.**

The building official, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.10.

#### **110.3.1 Footing and foundation inspection.**

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

#### **110.3.2 Concrete slab and under-floor inspection.**

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

#### **110.3.3 Lowest floor elevation.**

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

#### **110.3.4 Frame inspection.**

Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

#### **110.3.8 Other inspections.**

In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Department of Building Safety.

#### **110.3.9 Special inspections.**

For special inspections, see Section 1704.

#### **110.3.10 Final inspection.**

The final inspection shall be made after all work required by the building permit is completed.

2. Delete the following Section from Chapter Five of the IBC and insert in lieu thereof the following:

**501.2 Address numbers.**

New and existing buildings shall have approved numbers or addresses that shall be placed on all buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Address numbers and exterior suite numbers shall be in Arabic numerals or alphabet letters a minimum of 3½ inches in height with a minimum stroke width of ½ inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Exterior address location for commercial buildings shall be determined by the Zoning Administrator.

3. Delete, modify or add the following Sections in Chapter Ten of the IBC:

- A. Add a new section to read as follows:

**Section 1011.1.1 Additional Exit Signs.**

Exit signs may be required at the discretion of the code official to clarify an exit or exit access.

- B. Delete the section and replace with:

**Section 1011.5 Exit Sign Illumination.**

Exit signs shall internally illuminate with LED lighting system. Exit signs shall have a battery backup unless an on-site generator set is used. Luminance on the face of an exit sign shall have an intensity of not less than 5.0 foot-candles (53.82 lux).

- C. Add a new section to read as follows:

**Section 1011.5.6 Combination Lights.**

In new construction, combination exit sign/emergency light devices shall not be allowed.

- D. Add a new section to read as follows:

**Section 1011.5.7 Separation of Emergency Lighting.**

In new construction, emergency lighting shall be separated from the exit sign by a minimum of 6 feet.

- E. Add a new section to read as follows:

**Section 1011.5.8 Self-luminous and Photo luminescent exit signs.**

Self-luminous and photo luminescent exit signs are not allowed. Exception: Approved self-luminous and/or photo luminescent exit signs may be allowed in tents by approval of the Code Official.

- F. Add a new section to read as follows:

**Section 1011.5.9 Self-Testing Exit Signs and Emergency Lights.**

Exit signs and/or emergency lights mounted higher than 8½ feet from floor level to the bottom of the exit sign or emergency light or if the exit sign or emergency light is mounted in a location where it cannot be manually tested, the exit sign and/or emergency light shall be self-testing and have a visual diagnostic indicator.

4. Delete the following Section from Chapter Thirteen of the IBC and insert in lieu thereof the following:

**1301.1.1 Criteria.**

Buildings shall be designed and constructed in accordance with the State of Iowa Energy Conservation Code.

5. Delete the following Section from Chapter Thirty-four of the IBC and insert in lieu thereof the following:

**3412.2 Applicability.**

Structures existing prior to the effective date of this ordinance and in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.1 through 3415.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

6. Delete the following Sections from Chapter One of the IRC and insert in lieu thereof the following:

**R101.1 Title.**

These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of Tipton, and shall be cited as such and will be referred to herein as is "this code."

**R105.1 Required.**

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

**R105.2 Work exempt from permit.**

Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

**Building:**

1. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
2. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
3. Sidewalks and driveways.
4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
5. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.

6. Swings and other playground equipment.
7. Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
8. Reapplication of shingles and roof sheathing provided less than 50% of the sheathing is replaced and other structural alterations are not required.
9. Reapplication of siding.
10. Window replacement provided window opening sizes are not altered and conforming rescue and escape windows are present in all sleeping rooms.

**Electrical:**

Repairs and maintenance: A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

**Gas:**

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Mechanical:**

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.



2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**R108.3 Building permit valuations.**

The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems.

The building official shall verify the applicant’s valuation by using the most current Building Valuation Data Table published in Building Safety Journal to determine the permit value. Final building permit valuation shall be set by the building official.

7. Modify the following Sections from Chapter Three of the IRC and inserting the following:

**R301.2 Climatic and geographic design criteria.**

Buildings shall be constructed in accordance with the provisions of this code as limited by the provisions of this section. Additional criteria shall be established by the local jurisdiction and set forth in Table R301.2(1).

**Table R301.2(1)  
Climatic and Geographic Design Criteria**

Ground Snow Load	Wind Speed MPH	Seismic Design Category	Subject To Damage From				Winter Design Temp	Ice Shield Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termite	Decay					
25	90	A	Severe	42"	M – H	S – M	-5° F	Yes	8/22/02	2000	50 F

**R321.1 Premises identification.**

Approved numbers or addresses shall be placed on all buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Address numbers shall be in Arabic numerals or alphabet letters a minimum of 3½ inches in height with a minimum stroke width of ½ inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

**155.04 AVAILABILITY OF THE BUILDING CODE.** A copy of all applicable building codes will be available at City Hall.

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## CHAPTER 156

# ELECTRIC CODE

156.01 Scope and Purpose	156.15 Buildings Classified
156.02 Electrical Inspector	156.16 Public Building Wiring
156.03 License Required	156.17 Grounding
156.04 License and Bond Requirements	156.18 Service Locations
156.05 National Electric Code Adopted	156.19 Main Disconnects
156.06 National Electric Safety Code Enforced	156.20 Service Drop
156.07 Use of Electrical Current	156.21 Electrical Motors
156.08 Permits to Do Electrical Work	156.22 Air Conditioners
156.09 Building Official or AHJ Powers and Duties	156.23 Service Conductors
156.10 Wiring Not to Be Completed Before Inspection	156.24 Elbows and Sweeps
156.11 Notice to Comply	156.25 Ground Conductors
156.12 Authority to Cut Off Power	156.26 Metering Equipment
156.13 Payment of Fees	156.27 Intersystem Bonding Termination Block
156.14 Meter Location	

**156.01 SCOPE AND PURPOSE.** This chapter shall be known as the City of Tipton Electric Code. It shall regulate the installation of all electrical wiring in the City to prevent fire and personal injury. This Code shall also establish fees for its administration and penalties for its enforcement.

**156.02 ELECTRICAL INSPECTOR.** The Building Official or authority having jurisdiction (AHJ) shall perform the duties of Electrical Inspector.

**156.03 LICENSE REQUIRED.** A State of Iowa electrician's license shall be required for any person, firm, or corporation to engage in the business of supervising, installing, or repairing any electrical wiring or equipment in the City. Any person, firm, or corporation who has secured an electrician's license in accordance with this chapter may employ one or more persons as helpers. Any homeowner may secure a permit for the purpose of residential wiring at said person's permanent residence.

**156.04 LICENSE AND BOND REQUIREMENTS.** An electrician shall present documentation of approval from the State of Iowa together with the scheduled fee and surety bond, and add the City of Tipton as an additional insured to said electrician's insurance policy. The licensee agrees:

1. To comply with the Electric Code of Tipton.
2. To promptly pay all sums due the City by reason of this Code.
3. To promptly pay all fines imposed for violation of this Code.
4. To indemnify the City for liabilities or damages arising from the licensee's negligence or the negligence of any employee of said licensee while actually engaged in working for said licensee.

**156.05 NATIONAL ELECTRIC CODE ADOPTED.** The Building Official or authority having jurisdiction (AHJ) shall require all electrical work, fixtures, appliances, and materials to be safe and in compliance with the most recent edition of the *National Electrical Code* (NEC). Compliance shall also be required with all exceptions, limitations, and changes listed in this code.

**156.06 NATIONAL ELECTRIC SAFETY CODE ENFORCED.** Under the *Code of Iowa*, all provisions of the most recent revision of the *National Electric Safety Code* (NESC) are enforced in the City of Tipton. Accordingly, the NESC shall be considered a part of the Tipton Electric Code.

**156.07 USE OF ELECTRICAL CURRENT.** No electrical energy shall be used within the City except as provided by this Code of Ordinances.

**156.08 PERMITS TO DO ELECTRICAL WORK.** It is unlawful to commence or continue with the installation or alteration of any electrical system without the contractor or person in charge of the work first obtaining a permit from the City. The Electric Superintendent or Building Official or authority having jurisdiction (AHJ), may require the plans, specifications, and bill of materials for a proposed installation be submitted for examination and approval before the permit is issued. Permits will be issued only to electricians having a Master A or Master B State of Iowa license or to homeowners for their primary residence. Before a permit is issued, the applicant shall pay a sum of money to the office of the City Clerk for inspection fees according to the rates specified in this Code. In the event a permit is refused, the application may be appealed to the City Council, whose decision is final.

**156.09 BUILDING OFFICIAL OR AHJ POWERS AND DUTIES.** The Building Official or AHJ shall have the authority and duty to carefully inspect all electrical installations or alterations when roughed in and again at the time final connections are made. If any work cannot be approved, the inspector shall make suggestions or give directions as to the changes required. The Building Official or AHJ shall issue a certificate of approval when all installations and wiring, and all inspections, have been completed in accordance with this chapter. No certificate shall be issued unless the license and bond of the electrician doing the work is in effect.

**156.10 WIRING NOT TO BE COMPLETED BEFORE INSPECTION.** No electrical wiring or other work for which a permit is issued or required shall be covered or concealed in any manner until inspected and approved by the Building Official or AHJ.

**156.11 NOTICE TO COMPLY.** The Building Official or AHJ is directed to inspect and re-inspect all electrical wires, apparatus, and fixtures on any property located in the City. Inspections shall be made whenever the Building Official or AHJ has reason to believe wires or fixtures exist in violation of this Electric Code. Inspections shall also be made whenever the inspector has reason to believe wires, apparatus, or fixtures may be unsafe to life or property. The electrical inspector shall notify the owner or owner's agent of the corrections required to bring the facilities into a safe condition and in conformance with this Electric Code. Such corrections shall be made and re-inspected within 30 calendar days of notifications. If extenuating circumstances exist, the electrical inspector may extend this period up to a total of 90 calendar days. This notification may be appealed to the City Council, whose decision is final. Any appeal must be made prior to expiration of the 30-day period. No correction period shall exceed 90 days. Should the period expire with the corrections not completed, a fine will be assessed as a misdemeanor and/or electric service discontinued until corrections are completed.

**156.12 AUTHORITY TO CUT OFF POWER.** The Building Official or AHJ shall have the authority to disconnect the electrical supply to any building in which electrical supply to any building in which electrical wiring or equipment has been installed in violation of City

Ordinances. Such action shall also be authorized if a certificate of inspection approval was required and not obtained. Such action shall also be authorized if there is a dangerous condition within the City – which is not remedied after notice to the owner – or if said wiring interferes with the work of the Fire Department.

**156.13 PAYMENT OF FEES.** No certificate of inspection will be issued or inspection made until the required fee is paid to the City Clerk.

**156.14 METER LOCATION.** For multiple meter installations, each meter must be permanently identified. Meters must be installed in a location suitable to the Electric Department. Approved residential meter locations are on the exterior of the dwelling. Approved commercial meter locations are normally on the exterior of the building but in all cases accessible to City employees at all normal working hours. Meters must be so located they may be easily read and tested with a minimum of inconvenience. Meters must be located so they will not be exposed to physical damage. The meter and main disconnect must be located where accessible to the customer at all times.

**156.15 BUILDINGS CLASSIFIED.** A “residence building” is constructed and used as a dwelling unit, no part of which is used for any other purpose, and is not adjoining any other building unless separated by a two-hour fire wall extending from basement to roof. All other buildings are classified as “public buildings.” Except for existing wiring in safe condition, to be connected to new feeders, all residence buildings shall be wired with type THHN or better wire in type EMT conduit or type B cable. Unfinished basements shall be wired in type EMT conduit. Type B cable may be used above the bottom of the joists.

**156.16 PUBLIC BUILDING WIRING.** Public buildings, as defined in this code, shall be wired with THHN or better wire conduit approved by the NEC. Type MC cable shall be of the interconnecting steel flex type with ground. The corrugated metal sheath type will not be permitted.

**156.17 GROUNDING.** All services must be properly grounded to two ground rods with at least six feet of separation (secondary grounding electrode) and to the water system (primary grounding electrode) on the water service copper pipe. A loop must be installed around the water meter so removal will not break the ground connection. Connection shall be made by use of grounding clamps designed for this purpose. Metal cabinets and fixtures with water drains shall be grounded. For nonconductive plastic water supply systems, a separate grounding conductor system must be installed for this purpose.

**156.18 SERVICE LOCATIONS.** Contractors shall, before beginning any job, apply for a point of service entrance to the Electric Superintendent, whose decision shall be final unless otherwise directed by the City Council. The service shall comply with all provisions of Article 230 of the NEC.

**156.19 MAIN DISCONNECTS.** Every building service entrance shall have only one main disconnect except as defined in 156.20.

**156.20 SERVICE DROP.** When the service wire is attached to the conduit, it must be two-inch or larger rigid metallic conduit. No building shall be supplied from the exterior distribution through more than one set of conductors, unless a separate service is required for a different voltage, fire pumps, emergency lights or other emergency equipment.

**156.21 ELECTRICAL MOTORS.** All motors, air conditioners, welders, and other potentially high current equipment shall not cause objectionable flicker to other buildings in the area. When such equipment is determined by the Electric Superintendent to be causing objectionable flicker, the responsible customer shall install a compensating starter, or remove the equipment from the electric system.

**156.22 AIR CONDITIONERS.** There shall be a circuit disconnecting switch mounted on or near all outdoor units, which shall be rain tight and non-fusible.

**156.23 SERVICE CONDUCTORS.** All service conductors on the supply side of metering equipment must be installed in rigid metallic conduit or schedule 80 PVC conduit with approved fittings and expansion joints. All service conductors installed inside a building ahead of the main must be in rigid steel. The electrician may request permission from the Building Official or AHJ to install flexible steel in lieu of rigid steel if rigid duct is completely impractical.

**156.24 ELBOWS AND SWEEPS.** Elbows and sweeps of the same material as the conduit shall be used if service conductors must bend due to obstructions, emerging from concrete, gravel or other hard surface to prevent kinks, pinching, rubbing or other physical damage.

**156.25 GROUND CONDUCTORS.** Ground (earth) conductors shall be a continuous path from earth to the first main service panel disconnect. The bonding of the meter base shall be a bonding bushing at each end of the rigid steel conduit between the meter base and the service panel.

**156.26 METERING EQUIPMENT.** No metering equipment shall be installed on the Utility's transformer. All equipment shall be mounted on the building or on a post structure adjacent to the transformer. Exception: bushing mounted current transformers installed at the utility's option for customers with a dedicated transformer.

**156.27 INTERSYSTEM BONDING TERMINATION BLOCK.** The Intersystem Bonding Termination Block must be installed on the outside of the building and within sight of the metering equipment. (See Article 250.94 of the NEC.)

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## CHAPTER 160

# FLOOD PLAIN MANAGEMENT

160.01 Statutory Authority, Findings of Fact and Purpose	160.05 Administration
160.02 Definitions	160.06 Nonconforming Uses
160.03 General Provisions	160.07 Penalties for Violation
160.04 Flood Plain Management Standards	160.08 Amendments

### 160.01 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. Statutory Authority. The Legislature of the State of Iowa has in Chapter 364, *Code of Iowa*, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

2. Findings of Fact.

A. The flood hazard areas of the City of Tipton are subject to periodic inundation which can result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

B. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding; and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

3. Statement of Purpose. It is the purpose of this chapter to protect and preserve the rights, privileges, and property of the City and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in subsection 2(A) of this section with provisions designed to:

A. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

B. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

C. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

**160.02 DEFINITIONS.** Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. “Base flood” means the flood having one percent chance of being equaled or exceeded in any given year. (See 100-year flood).
2. “Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”
3. “Development” means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. Development does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.
4. “Existing construction” means any structure for which the start of construction commenced before the effective date of the first flood plain management regulations adopted by the community and may also be referred to as “existing structure.”
5. “Existing factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first flood plain management regulations adopted by the community.
6. “Expansion of existing factory-built home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
7. “Factory-built home” means any structure, designed for residential use which is wholly (or in substantial part) made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes, and modular homes and also include recreational vehicles that are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
8. “Factory-built home park” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
9. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
10. “Flood elevation” means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.



11. “Flood Insurance Rate Map” (FIRM) means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
12. “Flood plain” means any land area susceptible to being inundated by water as a result of a flood.
13. “Flood plain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood proofing and flood plain management regulations.
14. “Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
15. “Floodway” means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge floodwaters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.
16. “Floodway fringe” means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
17. “Historic structure” means any structure that is:
  - A. Listed individually in the National Register of Historic Places maintained by the Department of Interior or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
  - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved State program as determined by the Secretary of the Interior; or (ii) directly by the Secretary of the Interior in states without approved programs.
18. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
  - A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 160.04(4)(A) of this chapter; and
  - B. The enclosed area is unfinished (not carpeted, dry-walled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and

- C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level; and
- D. The enclosed area is not a basement, as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

- 19. "Minor projects" means small development activities (except for filling, grading and excavating) valued at less than \$500.00.
- 20. "New construction" (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the first flood plain management regulations adopted by the community.
- 21. "New factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of first flood plain management regulations adopted by the community.
- 22. "100-year flood" means a flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every 100 years.
- 23. "Recreational vehicle" means a vehicle that is:
  - A. Built on a single chassis;
  - B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
  - C. Designed to be self-propelled or permanently towable by a light duty truck; and
  - D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
- 24. "Routine maintenance of existing buildings and facilities" means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
  - A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
  - B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
  - C. Basement sealing;
  - D. Repairing or replacing damaged or broken window panes;
  - E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

25. “Special flood hazard area” means the land within a community subject to the 100-year flood. This land is identified as Zone A on the community’s Flood Insurance Rate Map.

26. “Start of construction” includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

27. “Structure” means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.

28. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceed 25 percent of the market value of the structure before the damage occurred.

29. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (i) before the start of construction of the improvement; or (ii) if the structure has been substantially damaged and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of a historic structure, provided the alteration will not preclude the structure’s designation as a historic structure.

B. Any addition that increases the original floor area of a building by 25 percent or more. All additions constructed after the first flood plain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

30. "Variance" means a grant of relief by a community from the terms of the flood plain management regulations.
31. "Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

### **160.03 GENERAL PROVISIONS.**

1. **Lands to Which Chapter Applies.** The provisions of this chapter apply to all areas having special flood hazards within the jurisdiction of the City. For the purpose of this chapter, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map (FIRM) for Cedar County and Incorporated Areas, City of Tipton, Panels 19031C0142C, 0144C, 0161C, and 0163C, dated August 19, 2013, which is hereby adopted and made a part of this chapter.
2. **Rules for Interpretation of Flood Hazard Boundaries.** The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the Official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the City Manager shall make the necessary interpretation. The Zoning Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this chapter.
3. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations that apply to uses within the jurisdiction of this chapter.
4. **Abrogation and Greater Restrictions.** It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.
5. **Interpretation.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
6. **Warning and Disclaimer of Liability.** The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.
7. **Severability.** If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

**160.04 FLOOD PLAIN MANAGEMENT STANDARDS.** All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where floodway data and 100-year flood elevations have not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to

compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All Development. All development within the special flood hazard areas shall:
  - A. Be consistent with the need to minimize flood damage.
  - B. Use construction methods and practices that will minimize flood damage.
  - C. Use construction materials and utility equipment that are resistant to flood damage.
  - D. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.
2. Residential Buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill, which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.
3. Nonresidential Buildings. All new or substantially improved nonresidential buildings shall have the lowest floor (including basement) elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum) to which any structures are flood proofed shall be maintained by the Administrator.
4. All New and Substantially Improved Structures:
  - A. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
    - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-Built Homes:

A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the 100-year flood level.

B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems:

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.

D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of Materials and Equipment. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material

and equipment must either be similarly elevated or: (i) not subject to major flood damage and anchored to prevent movement due to floodwaters; or (ii) readily removable from the area within the time available after flood warning.

8. Flood Control Structures. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse Alterations or Relocations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

10. Subdivisions. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access that will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five acres or 50 lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Special Flood Hazard Area.

11. Accessory Structures.

A. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

- (1) The structure shall not be used for human habitation.
- (2) The structure shall be designed to have low flood damage potential.
- (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- (4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
- (5) The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one foot above the 100-year flood level.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.

A. Recreational vehicles are exempt from the requirements of subsection 5 of this section regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

- (1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
  - (2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of subsection 5 of this section regarding anchoring and elevation of factory-built homes.
13. Pipeline Crossings. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

#### **160.05 ADMINISTRATION.**

1. Appointment, Duties and Responsibilities of Flood Plain Administrator.
  - A. The City Manager or his/her designee is hereby appointed to implement and administer the provisions of this chapter and will herein be referred to as the Administrator.
  - B. Duties of the Administrator shall include, but not necessarily be limited to the following:
    - (1) Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.
    - (2) Review flood plain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.
    - (3) Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures.
    - (4) Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) to which all new or substantially improved structures have been flood proofed.
    - (5) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
    - (6) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.
2. Flood Plain Development Permit.
  - A. Permit Required. A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any



manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

B. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:

- (1) Description of the work to be covered by the permit for which application is to be made.
- (2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description), which will readily identify and locate the work to be done.
- (3) Indication of the use or occupancy for which the proposed work is intended.
- (4) Elevation of the 100-year flood.
- (6) Elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood proofed.
- (7) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
- (8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

C. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Zoning Board of Adjustment.

D. Construction and Use to Be as Provided in Application and Plans. Flood Plain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

3. Variance.

A. The Zoning Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest where, owing to special conditions, a literal

enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.

(1) Variances shall only be granted upon: (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

(2) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and (ii) such construction increases risks to life and property.

B. Factors Upon Which the Decision of the Board of Adjustment Shall Be Based. In passing upon applications for Variances, the Board of Adjustment shall consider all relevant factors specified in other sections of this chapter and:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(2) The danger that materials may be swept on to other land or downstream to the injury of others.

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(5) The importance of the services provided by the proposed facility to the City.

(6) The requirements of the facility for a flood plain location.

(7) The availability of alternative locations not subject to flooding for the proposed use.

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

(10) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

(12) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.

(13) Such other factors which are relevant to the purpose of this chapter.

C. Conditions Attached to Variances. Upon consideration of the factors listed above, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

(1) Modification of waste disposal and water supply facilities.

(2) Limitation of periods of use and operation.

(3) Imposition of operational controls, sureties, and deed restrictions.

(4) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.

(5) Flood proofing measures.

#### **160.06 NONCONFORMING USES.**

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this chapter.

B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

**160.07 PENALTIES FOR VIOLATION.** Violations of the provisions of this chapter or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days. Nothing herein contained shall prevent the City of Tipton from taking such other lawful action as is necessary to prevent or remedy violation.

**160.08 AMENDMENTS.** The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

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**CHAPTER 165**

**ZONING REGULATIONS**

**GENERAL PROVISIONS AND DEFINITIONS**

**165.01 Title**  
**165.02 Purpose**  
**165.03 Interpretation**

**165.04 Headings or Titles**  
**165.05 Definitions**

**165.01 TITLE.** Chapters 165 through 168 of this Code of Ordinances shall be known and may be cited and referred to as the Zoning Ordinance of the City of Tipton, Iowa.

**165.02 PURPOSE.** The zoning regulations and districts as herein established have been made for the purpose of promoting the health, safety, and general welfare of the community. The zoning regulations and districts have been designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to provide health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements. The zoning regulations and districts have been made with reasonable consideration of the character of the district and its suitability for the particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community for the promotion of the public health, safety, morals, convenience, comfort, prosperity, and general welfare.

**165.03 INTERPRETATION.** The following interpretations apply to these zoning regulations:

1. **Minimum Requirements.** In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements.
2. **Inconsistent or Conflicting Regulations.** To the extent that any provision of this Zoning Ordinance or of any other applicable zoning law, the more restrictive provision shall apply.
3. **Unlawful Uses.** No building, structure, or use not lawfully existing at the time of the adoption of this Zoning Ordinance shall become or be made lawful solely by reason of the adoption of this Zoning Ordinance; and to the extent that, and in any respect that, said unlawful building, structure or use is in conflict with the requirements of this Zoning Ordinance, said building, structure, or use remains unlawful hereunder.
4. **Not A Licensing Ordinance.** Nothing contained in this Zoning Ordinance shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation, or activity.
5. **Cumulative Provisions.** The provisions of this Zoning Ordinance are cumulative and additional limitations upon all other laws and ordinances heretofore

passed or which may be passed hereafter, governing any subject matter in this Zoning Ordinance.

**165.04 HEADINGS OR TITLES.** Headings or titles to sections, subsections and paragraphs shall be construed as informative of general nature of its contents, but not a restriction upon its contents.

**165.05 DEFINITIONS.** For the purposes of this Zoning Ordinance, the word “person” includes an individual, firm, partnership, domestic or foreign corporation, company, association, or joint stock association, club, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, and includes a municipality and body politic and corporate. The words “used or occupied” include the words “intended, designed, or arranged to be used or occupied.” The word “lot” includes the words “plot or parcel.” The word “structure” includes the word “building.” The following terms or words used herein shall be interpreted as follows:

1. “Accessory building” means a subordinate building, the use of which is incidental to and customary in connection with the principal building or use, and which is located on the same lot with such principal building or use.
2. “Accessory use” means a subordinate use, which is incidental to and customary in connection with the principal building or use, and is, located on the same lot with such principal building or use.
3. “Alley” means a public thoroughfare, which affords only a secondary means of access to property abutting thereon.
4. “Apartment house” – see “dwelling, multiple.”
5. “Basement” means a story having part but not more than one-half of its height below grade. A basement is counted as a story for the purpose of height regulations.
6. “Bed and breakfast home,” as established in Chapter 137F of the *Code of Iowa*, means a private residence that provides lodging and meals for guests, in which the host or hostess resides, and in which no more than two guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.
7. “Bed and breakfast inn,” as established in Chapter 137C of the *Code of Iowa*, means a hotel that has nine or fewer guestrooms.
8. “Boarding rooming house” means a building other than a hotel where, for compensation and by pre-arrangement for definite periods, lodging, meals, or lodging and meals are provided for three or more persons, but not exceeding 20 persons.
9. “Building, height of” means the vertical distance to: (i) the highest point of a flat roof; (ii) the deck line of mansard roofs; or (iii) the average height between eaves and ridge for gable, hip and gambrel roofs.
10. “Cellar” means a story having more than one-half of its height below grade.
11. “Clinic, medical” means an establishment where patients are not lodged overnight but are admitted for examination or treatment by a group of physicians or dentists practicing medicine together.

12. “Club” means a building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
13. “Condominium office,” as established in Chapter 499B of the *Code of Iowa*, means an office building (or group of buildings) organized, owned, and maintained as a condominium.
14. “Condominium, residential,” as established in Chapter 499B of the *Code of Iowa*, means a building or group of buildings in which units are owned individually, and the structure common areas and facilities are owned by all the owners on a proportional, undivided basis. A condominium may be for other than residential use.
15. “Court” means an open space more than one-half surrounded by buildings.
16. “District” means any section of the City within which the zoning regulations are uniform.
17. “Dwelling” means a building or portion thereof designed or used exclusively for residential occupancy, but not including home trailers, mobile homes, hotels, motels, boarding and lodging houses, tourist courts or tourist homes.
18. “Dwelling, single-family” means a building designed for or occupied exclusively by one family.
19. “Dwelling, two-family” means a building designed for or occupied exclusively by two families.
20. “Dwelling, multiple” means a building designed for or occupied exclusively by three or more families.
21. “Factory-built house” (modular) means a structure built at a factory and inspected for compliance with the *Uniform Building Code*, the *Uniform Plumbing Code*, the *Uniform Mechanical Code*, and the *National Electrical Code*, each with certain amendments as adopted as the *State Building Code* and mandatory for all such structures placed in Iowa. Compliance is evidenced by a seal issued by the State Building Code Commissioner and attached to the house and accompanied by a copy of the manufacturer’s certificate of compliance. A certified modular house shall be permitted anywhere a site-built or pre-fabricated site-erected building is permitted whether meeting the same code requirements or not. A modular house may be placed on a parcel or lot if its placement as to yards and set back, width and minimum floor area meets the criteria that would apply to a site-built dwelling on the same lot. A modular house is not a mobile home or a mobile home add-on unit.
22. “Family” means an individual or two or more persons related by blood, marriage, or adoption, or a group of not more than five persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling.
23. “Filling station” means any building, structure, or land used primarily for the dispensing, sale, or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or spray painting.

24. “Frontage” means the distance along a street line from one intersecting street to another or from one intersecting street to the end of a dead-end street.

25. “Garage, private” means a detached accessory building or portion of a main building housing the automobiles of the occupants of the premises.

26. “Garage, public” means a building or portion thereof, other than a private, storage or parking garage, designed or used for equipping, servicing, repairing, hiring, selling or storing of motor-driven vehicles. The term repairing does not include an automotive body repair shop or the rebuilding, dismantling, or storage of wrecked or junked vehicles.

27. “Garage, storage” means a building or portion thereof designed or used exclusively for term storage of motor-driven vehicles, as distinguished from daily storage furnished to transients, and within which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

28. “Grade” means:

A. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;

B. For buildings having walls adjoining more than one street, the average of the elevations of the sidewalk at the centers of all walls adjoining the streets;

C. For buildings having no wall adjoining a street, the average level of the finished surface of the ground adjacent to the exterior walls of the buildings.

For the purposes of this definition, any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street.

29. “Gross floor area” means the sum of the habitable ground floor area of a building measured from the exterior face of exterior walls.

30. “Home occupation” means any business enterprise that is allowed to operate in an R-1, R-2, or R-3 residential district by a family member who resides on the premises. The activity must also be clearly incidental and secondary to the use of the premises and must comply with all provisions of Section 167.09.

31. “Hotel” means a building in which lodging – or boarding and lodging – are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all times, as distinguished from a boardinghouse, a lodging house, or an apartment, which are herein separately defined.

32. “Institution” means a non-profit establishment for public use.

33. “Junk or salvage yard” means any place not fully enclosed in a building and which encompasses an area of 1,000 square feet or more and/or exceeds 5,000 cubic feet, where waste, discarded, or salvaged material or equipment is bought, sold, exchanged, baled or packed, disassembled, kept, stored, or handled, including house wrecking yards, auto wrecking activities, used lumber yards and places or yards for storage of salvaged building materials and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building. The definition of junk includes dismantled and inoperable



vehicles, machinery, and appliances or parts of such vehicles, machinery, or appliances. An inoperable vehicle means any motor vehicle that lacks a current registration or two or more wheels, or any other component parts, the absence of which renders the vehicle illegal for use on the highway. Firewood for home heating is exempted from the area/space limitations imposed for salvaged material. The presence on any lot, parcel, or tract of land, of three or more vehicles that, for a period exceeding 30 days, have not been capable of operating under their own power, and from which parts have been removed for reuse, salvage or sale, shall constitute prima facie evidence of a junk yard.

34. “Laundry, self-service” means an establishment providing home-type washing, drying, or ironing machines for use on the premises.

35. “Lodging house” – see “boarding house.”

36. “Lot” means land occupied or intended for occupancy by a use permitted in this Zoning Ordinance, including one main building, together with its accessory buildings, and the yards, loading and parking spaces required herein, and having its principal frontage upon a street or upon an officially approved place.

37. “Lot, corner” means a lot abutting upon two or more streets at their intersection.

38. “Lot, interior” means a lot other than a corner lot.

39. “Lot of record” means a lot that is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Deeds of Cedar County or a lot described by metes and bounds, the description of which has been recorded.

40. “Lot width” means the width of the lot at the front yard line.

41. “Lot, zoning” – In this Zoning Ordinance, the term “lot” refers to a “zoning lot” unless the context clearly indicates that it refers instead to a “lot of record.” A zoning lot is a single tract of contiguous land which, at the time of filing for a building permit or a certificate of occupancy or district boundary change, is designated by the owner or developer as a tract to be used, developed, or built upon as a unit under single or unified ownership or control and assigned to the particular use, building, or structure for which the building permit or certificate of occupancy is issued. A lot includes such area of land as may be required by the provisions of this Zoning Ordinance for such use, building, or structure.

42. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons, but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa.

43. “Mobile home lot” means a parcel of land within an approved mobile home subdivision, which is recorded in the office of the Cedar County Recorder and which was designed and intended for the accommodation of one mobile home and its accessory buildings and structures.

44. “Mobile home” (manufactured home) means a structure built in a factory to the construction and safety standards established under the authority of 42 United States Code, Section 5403. If it is proposed to place such a home outside a mobile

home park, it shall be converted to real estate under the provisions of Section 435.26 of the *Code of Iowa* and are subject to the requirements of Section 167.08 and all other Zoning Ordinance requirements.

45. “Mobile home park” means any site, lot, field, or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, tent vehicle, or enclosure used or intended for use as part of equipment of such mobile home park. The term mobile home park shall not be construed to include mobile homes, buildings, tenants, or other structures temporarily maintained by an individual, educational institution, or company on said person’s own premises and used exclusively to house its own labor or students.

46. “Mobile home space” means a plot of ground within a mobile home park designated for the accommodation of one mobile home and its accessory buildings or structures.

47. “Mobile home stand” means the outline of the mobile home including any paved portion of the outdoor living area. If any structural additions to the mobile home are proposed or anticipated such as cabanas, carports, decks, porches, or other similar additions, they shall be considered a part of the mobile home stand.

48. “Mobile home subdivision” means a residential subdivision as shown in the records of the office of the Cedar County Recorder and approved in accordance with the development regulations of this Code of Ordinances and pursuant to the provisions of the *Code of Iowa*, together with certain accessory buildings and uses providing for the enjoyment and benefit of the residents of the subdivision in which individual ownership of a lot is permitted, for the placement of a mobile home for residential purposes.

49. “Motor court” or “motel” means a building or group of buildings used primarily for the temporary residence of motorists or travelers.

50. “Nonconforming use” means any building or land lawfully occupied by a use at the time of passage of this Zoning Ordinance or amendments thereto, which does not conform after the passage of such ordinance or amendments thereto with the use regulations of the district in which it is situated.

51. “Nursing, rest or convalescent home” means a home for the aged or infirm in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

52. “Parking area” means an open, unoccupied space used or required for use for parking of vehicles exclusively and in which no gasoline or vehicular accessories are sold or no other business is conducted and no fees are charged.

53. “Parking lot” means an open, surfaced area used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold and fees charged, but no vehicles are to be equipped, repaired, rented, or sold.

54. “Parking space” means an all-weather surfaced area not in a street or alley and having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or

alley by an all-weather surfaced driveway that affords ingress and egress for an automobile without requiring another automobile to be moved.

55. "Place" means an open, unoccupied space or thoroughfare other than a street or alley permanently reserved as a principal means of access to abutting property.

56. "Planned Unit Development" (PUD) means an area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential users to residential users as shall be specified.

57. "Porch, unenclosed" means a porch consisting only of a roof and floor and supporting members together, if desired, with a solid or open balustrade not more than three feet in height.

58. "Principal structure" means a structure in which is conducted the principal use of the lot on which it is located.

59. "Recreational vehicle" means a vehicle-type unit not exceeding eight (8) feet in width and forty (40) feet in length, designed to provide temporary living quarters for recreational, camping or travel use. The recreational vehicle may be a motor vehicle such as a motor home, camper bus, or van converted for temporary living quarters, or a travel trailer, truck camper, or other similar type unit.

60. "Sign" means any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

A. Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identifications of premises not having commercial connotations.

B. Flags and insignia of any government except when displayed in connection with commercial promotion.

C. Legal notices, identification, informational, or directional signs erected or required by governmental bodies.

D. Signs directing and guiding traffic and parking on public or private property but bearing no advertising matter.

E. Warning signs, "no trespassing," "no hunting" and similar signs not to exceed two (2) square feet in area located on the premises.

F. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

G. Temporary signs relating to construction not to exceed sixteen (16) square feet in area.

61. "Special use" means a use or structure that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special uses, if specific provisions for such special uses are made in this Zoning Ordinance.

62. “Story” means that portion of a building (other than a cellar) included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

63. “Story, above grade” (first floor) means any story having its finished floor surface entirely above grade, except that a basement is considered as a story above grade where the finished surface of the floor above the basement is:

- A. More than 6 feet above grade plane; or
- B. More than 6 feet above the finished ground level for more than 50 percent of the total building perimeter; or
- C. More than 12 feet above the finished ground level at any point.

First floor uses of such building in a C-1 or C-2 district must also qualify as a principal permitted use.

64. “Story, half” means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

65. “Street” means a public or private thoroughfare that affords the principal means of access to abutting property.

66. “Street line” means a dividing line between a lot and a contiguous street.

67. “Structure” means anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including (but without limiting the generality of the foregoing) advertising signs, billboards, backstops for tennis courts, fences, or pergolas.

68. “Structural alterations” means any change except those required by law or ordinance which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

69. “Swimming pool” means any artificially constructed pool capable of being used for swimming or bathing, having a depth of more than two (2) feet at any point. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas. (Portable wading pools having depth of less than two feet are not considered to be swimming pools.)

70. “Tourist home” means establishments used for dwelling purposes in which rooms, with or without meals, are offered to transient guests for compensation.

71. “Trailer or mobile home court” means an area where one or more trailers can be – or are intended to be – parked, designed, or intended to be used as living facilities for one or more families.

72. “Variance” means a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the Zoning Ordinance would result in unnecessary and undue hardship. As used herein, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use

otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

73. “Yard” means an open space, other than a court, on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in this Zoning Ordinance.

74. “Yard, front” means a yard across the full width of the lot, extending from the front line of the building to the front street line of the lot.

75. “Yard, rear” means a yard extending the full width of the lot between a principal building and the rear lot line.

76. “Yard, side” means a yard on the same lot with the building between the main building and the adjacent side of the lot, and extending from the front yard to the rear yard thereof.

77. “Zoning lot” – see “lot, zoning.”

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## CHAPTER 166

# ZONING REGULATIONS DISTRICTS AND BOUNDARIES

166.01 Establishment of Districts	166.07 R-2 Two-Family and Multiple-Family Residential District
166.02 Official Zoning Map Adopted	166.08 R-3 Mobile Home Park District
166.03 Rules for Interpretation of District Boundaries	166.09 C-1 Local Commercial District
166.04 Annexation Zoning Policy	166.10 C-2 General Business District
166.05 Compliance with Regulations	166.11 M-1 Light Industrial District
166.06 R-1 Single-Family and Two-Family Residential District	166.12 M-2 Heavy Industrial District

**166.01 ESTABLISHMENT OF DISTRICTS.** For the purpose of this Zoning Ordinance, the following districts are hereby established:

- R-1 Single-Family Residential District
- R-2 Two- and Multiple-Family Residential District
- R-3 Mobile Home Park District
- C-1 Local Commercial District
- C-2 General Commercial District
- M-1 Light Industrial District
- M-2 Heavy Industrial District

**166.02 OFFICIAL ZONING MAP ADOPTED.** The City is hereby divided into districts as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Zoning Ordinance.

1. Identification and Location of Zoning Map. The Official Zoning Map shall be identified by the following: *This is to certify that this is the Official Zoning Map referred to in Section 61.3 of Ordinance No. \_\_\_\_ of the City of Tipton, Iowa,*” together with the date of the adoption of the Zoning Ordinance. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the City Clerk, shall supersede all other maps and shall be the final authority as to the current zoning status of land and water area, buildings and other structures in the City.
2. Amendment of Official Zoning Map. If changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council. The entry on the Official Zoning Map shall specify the date of such amendment and the reference number of the Ordinance thereof and shall be signed by the Mayor and attested by the City Clerk. No amendment to this Zoning Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map. Any unauthorized change of whatever kind by any person or persons is a violation of this Zoning Ordinance. *(See EDITOR’S NOTE at the end of this chapter for ordinances amending the zoning map.)*

3. Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: *This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. \_\_\_ City of Tipton, Iowa.* Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to adoption or amendment.

**166.03 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.** Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such platted lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.
8. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map as applied by the Zoning Administrator.
9. Where a district boundary line divides a lot that was in single ownership at the time of passage of this Zoning Ordinance, the Board of Adjustment may permit, by a special use permit, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.



**166.04 ANNEXATION ZONING POLICY.** All territory that may hereafter be annexed, either voluntarily or involuntarily to the City, shall be classified Single-Family Residential District, until otherwise reclassified as provided under Section 168.15.

**166.05 COMPLIANCE WITH REGULATIONS.** The regulations set by this Zoning Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. Except as hereinafter specifically provided:

1. No land shall be used except for a purpose permitted in the district in which it is located.
2. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
3. No building shall be erected, converted, enlarged, reconstructed, structurally altered to exceed the height limit herein established for the district in which such building is located.
4. No building shall be erected, or structurally altered to the extent specifically provided hereinafter, except in conformity with the off-street parking and loading regulations of this Zoning Ordinance.
5. The minimum yards, parking spaces, and open spaces, including lot area per family, required by this Zoning Ordinance for each and every building existing at the time of passage of the Zoning Ordinance or for any building hereafter erected or structurally altered, shall not be encroached upon or considered a part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this Zoning Ordinance for the district in which such lot is located.
6. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot.

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**166.06 R-1 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICT.**

The R-1 District is intended to accommodate low-density residential developments. The district shall permit residential development to be integrated with terrain and tree cover, with a minimal disruption of natural systems existing in the area.

1. Principal Permitted Uses. The following are principal permitted uses in the R-1 District:

- A. Single-family dwelling.
- B. Two-family dwelling.
- C. Agricultural uses such as field crops, truck gardening, berry or bush crops, tree crops, flower gardening, nurseries, orchards, aviaries and apiaries, including a greenhouse but not including a salesroom or roadside stand.
- D. Publicly owned or operated park, playground or community building, museum, library or art gallery.
- E. Church or other place of worship or Sunday school.
- F. Public school, elementary and high, and institutions having a curriculum the same as ordinarily given in public schools.
- G. Golf club or grounds. A miniature course of practice driving tee operated for commercial purposes is not permitted.
- H. Home occupation as established in Section 167.09.

2. Accessory Uses. All uses that are customarily incidental to uses permitted in this district may exist, provided that the principal use exists and the requirements of Section 167.12 are met. Other accessory uses permitted include the following:

- A. Garden and nursery.
- B. Non-commercial greenhouse.
- C. Solar collector.
- D. Wind generator.
- E. Satellite receiving dish.
- F. Tennis court.
- G. Swimming pool. Such pool or lot containing such pool must be fenced to prevent unauthorized use and is subject to the requirements of Section 167.13.
- H. Garage sale or rummage sale. Not more than three such sales shall be permitted in a calendar year
- I. Automobile repair. An individual residing on the premises may service his or her own vehicle, but not between the hours of 9:00 p.m. to 8:00 a.m.
- J. Storage of recreational vehicles, trailers and equipment. Front yard storage is not permitted.

3. Special Use Permit. The Zoning Board of Adjustment may, by special use permit, authorize the following special exception uses and structures in the R-1 District, when authorized in accordance with the requirements of Section 168.12(2).
- A. Bed and breakfast home, as established in Chapter 137F of the *Code of Iowa* and as defined in Section 165.05 of this Zoning Ordinance.
  - B. Historic preservation site or museum.
  - C. Any public or government building.
  - D. Privately operated community building or recreation field.
  - E. Nursing home.
  - F. Hospital or institution; provided, any hospital or institution permitted in any R District shall be located on a site of not less than four acres, shall not occupy more than 10 percent of the total lot area, and shall be set back from all yard lines at least two feet for each foot of building height.
  - G. Cemetery.
  - H. Funeral home or mortuary.
  - I. Radio or television broadcasting tower or station.
  - J. Commercial, recreational or amusement development for temporary or seasonal periods.
  - K. Business enterprise as established in Section 167.10.
  - L. Riding stable.
  - M. Tourist camp or mobile home court; provided, such tourist or trailer camp shall comply with the provisions of applicable ordinances of the City and the laws of the State of Iowa.
  - N. Airport, landing field, or landing strip for all forms of aircraft, auto racetrack and drag strip.
  - O. Parking lots on land within 300 feet from any commercial, business, or industrial district provided the following standards are met:
    - (1) Ingress and egress to such lot shall be from a major street or from a street directly serving the commercial or business district.
    - (2) No business involving the repair or service of vehicles, or sale, or display thereof shall be conducted from or upon such parking areas.
    - (3) No structures shall be erected or remain on any portion of the lot except as provided for under subparagraph 7 hereof.
    - (4) No signs shall be erected on the parking area except as approved by the City Planning and Zoning Commission.
    - (5) Parking areas shall be used for parking patrons' private passenger vehicles only, and no charge shall be made for parking within such premises.

(6) The parking area shall be set back in conformity with the established or required yards for residential uses and where a parking area adjoins a dwelling use it shall have a minimum side yard of 10 feet.

(7) The parking area shall be suitably screened or fenced, paved and drained, lighted and maintained free of debris.

P. Temporary buildings used only in conjunction with construction work may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

4. Planned Unit Development (PUD). The Zoning Board of Adjustment may, by special use permit, authorize the following planned unit developments in the R-1 District, when authorized in accordance with the requirements of Section 167.15.

A. Nursing home.

B. Cemetery.

5. Height and Area Regulations. The height and area regulations set forth in this subsection and Sections 167.02 and 167.03 shall be observed.

A. Building height (maximum).....2½ stories or 35 feet.

B. Front yard (minimum setback).....25 feet.

C. Side yard (minimum setback) .....5 feet.

D. Rear yard (minimum setback).....25 feet.

E. Lot area (minimum per family).....6,500 square feet.

F. Lot frontage (minimum).....60 feet.

G. Lot size (minimum).....6,500 square feet.

H. Maximum of one (1) unattached accessory building over 200 square feet, under the following conditions:

(1) In no case shall the permitted accessory building over 200 square feet exceed the lot coverage of the principal building on that zoning lot.

(2) Maximum size of 1,000 square feet.

(3) Maximum building height of 16 feet to the peak of the roof.

(4) This regulation shall not be interpreted to prohibit the construction of a 576-square-foot garage on a minimum rear yard.

(5) All accessory buildings larger than 200 square feet or private garages located within a Residential District shall be constructed in a manner consistent with the residential character of the district. All accessory buildings or private garages located within a Residential District shall:

- a. Have a permanent floor located within the structure consisting of a concrete or asphalt base. Rock or dirt floors shall be prohibited.
  - b. Be constructed with siding commonly used for residential structures. The use of galvanized steel, painted steel, or aluminum sheets, as commonly used in agricultural buildings, are prohibited.
  - c. Be constructed with a roofing material commonly used for residential structures. Construction of a metal roof must be approved by permit by the Zoning Administrator.
- (6) Other provisions as provided under Section 167.12.
6. Permitted Signs. The following signs shall be permitted in the R-1 District as accessory uses, subject to the following regulations, provided the principal use exists.
- A. A church building bulletin board, not exceeding 20 square feet in area, located on the same lot as the building and not less than 10 feet from any property line.
  - B. A temporary sign pertaining to the lease, hire, or sale of a building or premises. Such sign shall not exceed 10 square feet in area, shall be located on the lot so advertised, and shall not be less than 10 feet from any property line.
7. Parking Regulations. Off-street parking space shall be provided in accordance with the requirements for specific use set forth in Section 167.14.

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**166.07 R-2 TWO-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL DISTRICT.**

The R-2 District is intended to provide areas for mixed residential developments, including single-family, two-family, and multiple-family dwellings and condominiums.

1. Principal Permitted Uses. The following are principal permitted uses in the R-2 District:
  - A. Any use permitted in the R-1 Single-Family Residential District.
  - B. Two-family dwelling.
  - C. Multiple-family dwelling and residential condominiums.
  - D. Bed and breakfast home, as established in Chapter 137F of the *Code of Iowa* and as defined in Section 165.05 of this Zoning Ordinance.
  - E. Boarding house, when located on an officially designated State highway.
  - F. Bed and breakfast inn, as established in Section 137C of the *Code of Iowa* and as defined in Section 165.05 of this Zoning Ordinance, when located on an officially designated State highway.
  - G. Medical clinic.
  - H. Religious, educational, or eleemosynary institution of a philanthropic nature, but not a penal or mental institution.
  - I. Hospital or sanitarium except a criminal, mental, or animal hospital.
  - J. Nursing, rest, or convalescent home.
  - K. Private club, fraternity, sorority or lodge, excepting one the chief activity of which is a service customarily carried on as a business.
2. Accessory Uses. All uses that are customarily incidental to uses permitted in this district may exist, provided that the principal use exists and the requirements of Section 167.12 are met. Other accessory uses permitted include the following:
  - A. Garden and nursery.
  - B. Non-commercial greenhouse.
  - C. Solar collector.
  - D. Wind generator.
  - E. Satellite receiving dish.
  - F. Tennis court.
  - G. Swimming pool. Such pool or lot containing such pool must be fenced to prevent unauthorized use and is subject to the requirements of Section 167.13.
  - H. Garage sale or rummage sale. Not more than three such sales shall be permitted in a calendar year, with not more than three consecutive days per sale.

- I. Automobile repair. An individual residing on the premises may service his or her own vehicle, but not between the hours of 9:00 p.m. and 8:00 a.m.
  - J. Storage of recreational vehicles, trailers and equipment. Front yard storage is not permitted.
3. Special Use Permit. The Zoning Board of Adjustment may, by special use permit, authorize the following special exception uses and structures in the R-2 District, when authorized in accordance with the requirements of Section 168.12(2).
- A. Bed and breakfast home, as established in Chapter 137F of the *Code of Iowa* and as defined in Section 165.05 of this Zoning Ordinance.
  - B. Historic preservation site or museum.
  - C. Any public or government building.
  - D. Privately operated community building or recreation field.
  - E. Nursing home.
  - F. Hospital or institution; provided, any hospital or institution permitted in any R District shall be located on a site of not less than four acres, shall not occupy more than 10 percent of the total lot area, and shall be set back from all yard lines at least two feet for each foot of building height.
  - G. Cemetery.
  - H. Funeral home or mortuary.
  - I. Radio or television broadcasting tower or station.
  - J. Commercial, recreational or amusement development for temporary or seasonal periods.
  - K. Business enterprise as established in Section 167.10.
  - L. Riding stable.
  - M. Tourist camp or mobile home court, provided such tourist or trailer camp complies with the provisions of applicable ordinances of the City and the laws of the State of Iowa.
  - N. Airport, landing field, or landing strip for all forms of aircraft, auto racetrack and drag strip.
  - O. Parking lots on land within 300 feet from any commercial, business, or industrial district, provided the following standards are met:
    - (1) Ingress and egress to such lot shall be from a major street or from a street directly serving the commercial or business district.
    - (2) No business involving the repair or service of vehicles, or sale, or display thereof shall be conducted from or upon such parking areas.
    - (3) No structures shall be erected or remain on any portion of the lot except as provided for under subparagraph 7 hereof.



(4) No signs shall be erected on the parking area except as approved by the City Planning and Zoning Commission.

(5) Parking areas shall be used for parking patrons' private passenger vehicles only and no charge shall be made for parking within such premises.

(6) The parking area shall be set back in conformity with the established or required yards for residential uses and where a parking area adjoins a dwelling use it shall have a minimum side yard of 10 feet.

(7) The parking area shall be suitably screened or fenced, paved and drained, lighted and maintained free of debris.

P. Temporary buildings used only in conjunction with construction work may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

4. Planned Unit Development (PUD). The Zoning Board of Adjustment may, by special use permit, authorize the following planned unit developments in the R-2 District, when authorized in accordance with the requirements of Section 167.15.

- A. Two-family dwellings.
- B. Multiple-family dwellings.
- C. Residential condominiums.
- D. Nursing home.
- E. Cemetery.

5. Height and Area Regulations. The height and area regulations set forth in this section and Sections 167.02 and 167.03 shall be observed.

- A. Building height (maximum).....3 stories or 45 feet.
- B. Front yard (minimum setback).....25 feet.
- C. Side yard (minimum setback)
  - Buildings less than three stories.....5 feet.
  - Buildings with three stories ..... 10 feet.
  - For each story above three, add ..... 1 foot.
- D. Rear yard (minimum setback).....25 feet.
- E. Lot area (minimum per family)
  - Single-family .....6,000 square feet.
  - Two-family .....6,000 square feet.
  - minimum per family .....3,000 square feet.
  - Multi-family..... 7,000 square feet
  - minimum 4,000 square feet, plus 1,000 square feet per family
- F. Lot frontage (minimum).....50 feet.
- G. Maximum of one (1) unattached accessory building over 200 square feet, under the following conditions:

- (1) In no case shall the permitted accessory building over 200 square feet exceed the lot coverage of the principal building on that zoning lot.
  - (2) Maximum size of 1,000 square feet.
  - (3) Maximum building height of 16 feet to the peak of the roof.
  - (4) This regulation shall not be interpreted to prohibit the construction of a 576-square-foot garage on a minimum rear yard.
  - (5) All accessory buildings larger than 200 square feet or private garages located within a Residential District shall be constructed in a manner consistent with the residential character of the district. All accessory buildings or private garages located within a Residential District shall:
    - a. Have a permanent floor located within the structure consisting of a concrete or asphalt base. Rock or dirt floors shall be prohibited.
    - b. Be constructed with siding commonly used for residential structures. The use of galvanized steel, painted steel, or aluminum sheets, as commonly used in agricultural buildings, are prohibited.
    - c. Be constructed with a roofing material commonly used for residential structures. Construction of a metal roof must be approved by permit by the Zoning Administrator.
  - (6) Other provisions as provided under Section 167.12.
6. Permitted Signs. The following signs shall be permitted in the R-2 District as accessory uses, subject to the following regulations, provided the principal use exists.
- A. Nameplate not exceeding five square feet in area attached to the wall at the entrance, to be lighted with only indirect non-intermittent light.
7. Parking Regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 167.14.

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**166.08 R-3 MOBILE HOME PARK DISTRICT.** The R-3 District is intended to provide areas for mobile homes and mobile home parks while protecting the public health, safety, and welfare.

1. Principal Permitted Uses. The following are principal permitted uses in the R-3 District.
  - A. Mobile home park, as provided for in Section 167.11.
  - B. Any uses permitted in the R-2 Districts.
2. Accessory Uses. All uses that are customarily incidental to uses permitted in this district may exist, provided that the principal use exists and the requirements of Section 167.12 are met. Any accessory structure shall not obstruct required openings for light and ventilation and shall not prevent inspection of mobile home equipment and ventilation. Other accessory uses permitted include the following:
  - A. Manager's office and residence.
  - B. Community centers.
  - C. Recreation facilities.
  - D. Laundry facilities.
  - E. Outdoor drying areas.
  - F. Maintenance buildings and/or facilities.
  - G. Any accessory uses permitted in the R-1 and R-2 Districts.
3. Special Use Permit. The Zoning Board of Adjustment may, by special use permit, authorize the following special exception uses and structures in the R-3 District, when authorized in accordance with the requirements of Section 168.12(2).
  - A. Bed and breakfast home, as established in Chapter 137F of the *Code of Iowa* and as defined in Section 165.05 of this Zoning Ordinance.
  - B. Historic preservation site or museum.
  - C. Any public or government building.
  - D. Privately operated community building or recreation field.
  - E. Nursing home.
  - F. Hospital or institution; provided, any hospital or institution permitted in any R District shall be located on a site of not less than four acres, shall not occupy more than 10 percent of the total lot area and shall be set back from all yard lines at least two feet for each foot of building height.
  - G. Cemetery.
  - H. Funeral home or mortuary.
  - I. Radio or television broadcasting tower or station.
  - J. Commercial, recreational or amusement development for temporary or seasonal periods.
  - K. Business enterprise as established in Section 167.10.

- L. Riding stable.
- M. Tourist camp or mobile home court; provided such tourist or trailer camp shall comply with the provisions of applicable ordinances of the City and the laws of the State of Iowa.
- N. Airport, landing field, or landing strip for all forms of aircraft, auto racetrack and drag strip.
- O. Parking lots on land within 300 feet from any commercial, business, or industrial district, provided the following standards are met:
  - (1) Ingress and egress to such lot shall be from a major street or from a street directly serving the commercial or business district.
  - (2) No business involving the repair or service of vehicles, or sale, or display thereof shall be conducted from or upon such parking areas.
  - (3) No structures shall be erected or remain on any portion of the lot except as provided for under subparagraph 7 hereof.
  - (4) No signs shall be erected on the parking area except as approved by the City Planning and Zoning Commission.
  - (5) Parking areas shall be used for parking patrons' private passenger vehicles only and no charge shall be made for parking within such premises.
  - (6) The parking area shall be set back in conformity with the established or required yards for residential uses and where a parking area adjoins a dwelling use it shall have a minimum side yard of 10 feet.
  - (7) The parking area shall be suitably screened or fenced, paved and drained, lighted and maintained free of debris.
- 4. Planned Unit Development (PUD). The Zoning Board of Adjustment may, by special use permit, authorize the following planned unit developments in the R-3 District, when authorized in accordance with the requirements of Section 167.15.
  - A. Multiple-family dwellings.
  - B. Residential condominiums.
  - C. Nursing home.
  - D. Cemetery.
- 5. Height and Area Regulations. The height and area regulations set forth in the R-1 and R-2 Districts, if applicable, and Sections 167.02 and 167.03 shall be observed.
- 6. Permitted Signs. The following signs shall be permitted in the R-3 District as accessory uses, subject to the following regulations, provided the principal use exists.

7. Parking Regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 167.14.

[The next page is 857]

**166.09 C-1 LOCAL COMMERCIAL DISTRICT.** The C-1 District is intended to accommodate the daily or frequent shopping needs of the neighborhood consumer, including retailing of goods purchased often for use in the home, furnishing of personal services and providing services used by individuals in their domestic lives. Development standards shall be designed to encourage compatibility with residential areas.

1. Principal Permitted Uses. The following are principal permitted uses in the C-1 District:

A. Any use permitted in the R-2 District, except that uses permitted in the R-1 and R-2 are not allowed on the first floor of any structure currently being used as a business. All structures constructed after the passage of Ordinance No. 442 shall not allow R-1 and R-2 uses on the first floor of said structures. R-1 and R-2 uses are permitted on any floor above the first floor. Nonconforming residential uses existing prior to passage of Ordinance No. 442 are allowed to continue until such structures are replaced or usage is altered, at which time they must comply with the restrictions of this section.

B. Automobile parking lot, storage, parking garage, and automobile sales with a gross vehicle weight (GVW) of less than 10,000 pounds.

C. Bank or financial institution.

D. Gasoline filling stations.

E. Offices and office buildings.

F. Retail store, in connection with which there shall be no slaughtering of animals or poultry or commercial fish cleaning and processing on the premises.

G. Private school.

H. Theatre, not including drive-in theatres.

I. Laundry and cleaning establishment, self-service.

J. Florist shop.

K. The following uses, and other uses of a similar character, are permitted, provided that none of the following uses shall employ more than five persons in a single shift on the premises, not including employees whose principal duties are off the premises, or temporary seasonal employees.

(1) Dressmaking.

(2) Tailoring.

(3) Shoe repair.

(4) Household appliance repair.

(5) Bicycle repair.

(6) Dry cleaning and pressing.

(7) Catering.

(8) Bakery with sale of bakery products on the premises.

L. The following personal service uses, and other uses of a similar character, are permitted.

- (1) Barber shop.
- (2) Beauty parlor.
- (3) Photographic or art studio.
- (4) Messenger.
- (5) Taxicab.
- (6) Newspaper or telegraphic branch service station.
- (7) Dry cleaning receiving station.
- (8) Restaurant.
- (9) Bowling alley.

2. Accessory Uses. All uses that are customarily incidental to uses permitted in this district may exist, provided that the principal use exists and the requirements of Section 167.12 are met. Other accessory uses permitted include the following:

A. Any accessory use permitted in the R-2 District.

3. Special Use Permit. The Zoning Board of Adjustment may, by special use permit, authorize the following exception uses and structures in the C-1 District, when authorized in accordance with the requirements of Section 168.12(2).

A. Bed and breakfast home, as established in Chapter 137F of the *Code of Iowa* and as defined in Section 165.05 of this Zoning Ordinance.

B. Historic preservation site or museum.

C. Any public or government building.

D. Privately operated community building or recreation field.

E. Hospital or institution; provided, any hospital or institution permitted in any R District shall be located on a site of not less than four acres, shall not occupy more than 10 percent of the total lot area and shall be set back from all yard lines at least two feet for each foot of building height.

F. Cemetery.

G. Funeral home or mortuary.

H. Radio or television broadcasting tower or station.

I. Commercial, recreational or amusement development for temporary or seasonal periods.

J. Circus or carnival grounds, but not within 300 feet of any Residential District.

K. Riding stable.

L. Tourist camp or mobile home court; provided such tourist or trailer camp shall comply with the provisions of applicable ordinances of the City and the laws of the State of Iowa.



M. Airport, landing field, or landing strip for all forms of aircraft, auto racetrack and drag strip.

N. Parking lots on land within 300 feet from any commercial, business, or industrial district, provided the following standards are met:

(1) Ingress and egress to such lot shall be from a major street or from a street directly serving the commercial or business district.

(2) No business involving the repair or service of vehicles, or sale, or display thereof shall be conducted from or upon such parking areas.

(3) No structures shall be erected or remain on any portion of the lot except as provided for under subparagraph 7 hereof.

(4) No signs shall be erected on the parking area except as approved by the City Planning and Zoning Commission.

(5) Parking areas shall be used for parking patrons' private passenger vehicles only and no charge shall be made for parking within such premises.

(6) The parking area shall be set back in conformity with the established or required yards for residential uses and where a parking area adjoins a dwelling use it shall have a minimum side yard of 10 feet.

(7) The parking area shall be suitably screened or fenced, paved and drained, lighted and maintained free of debris.

O. Temporary buildings used only in conjunction with construction work may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

4. Height and Area Regulations. The height and area regulations set forth in this section and Sections 167.02 and 167.03 shall be observed.

A. Building height (maximum).....2½ stories or 35 feet.

B. Front yard (minimum setback).....25 feet.

C. Side yard (minimum setback):  
Nonresidential buildings .....None.  
Nonresidential buildings abutting  
residential district .....10 feet.

D. Rear yard (minimum setback).....25 feet.

E. Lot area (minimum per family):  
Single-family .....6,000 square feet.  
Two-family .....3,000 square feet.  
Multi-family (plus minimum lot size)..1,000 square feet.

F. Lot frontage (minimum).....None

- G. Lot size (minimum):
  - Single-family..... 6,000 square feet.
  - Two-family ..... 6,000 square feet.
  - Multi-family..... 7,000 square feet.
  
- 5. Permitted Signs. The following signs shall be permitted in the C-1 District as accessory uses, subject to the following regulations, provided the principal use exists.
  - A. Signs shall contain only the name of the business establishment or the principal business conducted on the premises, or both.
  - B. Signs painted on a vertical surface of the building or attached flat thereto.
  - C. Signs shall not project above the principal roof of a building, except that a sign may be attached flat against or painted on a parapet wall not exceeding three feet above such roofline.
  - D. The aggregate gross area, in square feet, of all signs on a lot shall not exceed the number of lineal feet of frontage of such lot, and in no case shall it exceed a total of 100 square feet on any one street; this area need not be less than 40 square feet.
  - E. When any such sign is illuminated, the light or lights shall be shaded or concealed so that they will not interfere with the vision of motor vehicle operators or shine directly on residential district, illumination of such signs shall not be flashed and no sign simulating movement shall be permitted.
  - F. Gasoline filling stations may have one double-faced free standing sign not over 12 inches in thickness on which shall be advertised only the trade name of the product offered for sale; the area of a double-faced sign shall be the area of one face of the sign and shall be included as a part of the permitted area.
  
- 6. Parking and Loading Regulations. Off-street parking and loading spaces shall be provided for in accordance with the requirements for specific uses set forth in Section 167.14.

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**166.10 C-2 GENERAL BUSINESS DISTRICT.** The C-2 District is intended to accommodate a broad range of retail, wholesale, and commercial service establishments.

1. Principal Permitted Uses. The following are principal permitted uses in the C-2 District.

- A. Any use permitted in the C-1 Local Commercial District, without restrictions imposed in the C-1 District, except that uses permitted in the R-1 and R-2 Districts are not allowed on the first floor of any structure currently being used as a business. All structures constructed after the adoption of Ordinance No. 442 will not allow R-1 or R-2 uses on the first floor of said structures. R-1 and R-2 uses are permitted on any floor above the first floor. Nonconforming residential uses existing prior to adoption of Ordinance No. 442 are allowed to continue until such structures are replaced or usage is altered, at which time they must comply with the restrictions of this section.
- B. Advertising signs.
- C. Automobile or trailer display and sales room.
- D. Bakery.
- E. Billboard or poster panel, provided such billboard or poster panel is not erected within 50 feet of any R District.
- F. Bottling works.
- G. Building material sales and storage.
- H. Bus or truck terminal.
- I. Cleaning and dyeing plants.
- J. Milk distributing station.
- K. Dancing or music academy.
- L. Farm implement display and sales room.
- M. Freight terminal and grain elevator.
- N. Frozen food locker.
- O. Hotel or motel.
- P. Ice plant.
- Q. Ice cream manufacture.
- R. Laboratory.
- S. Laundry.
- T. Printing, publishing and engraving.
- U. Public or commercial school.
- V. Public garage.
- W. Radio or television broadcasting station or studio.
- X. Truck or bus garage, repair shop, and body repair shop.

- Y. Used car sales or storage lot.
  - Z. Veterinarian or animal hospital.
  - AA. Warehousing.
  - BB. Wholesale establishment.
  - CC. Other uses similar to the above.
2. Accessory Uses. All uses that are customarily incidental to uses permitted in this district may exist provided that the principal use exists and the requirements of Section 167.12 are met.
3. Special Use Permit. The Zoning Board of Adjustment may, by special use permit, authorize the following special exception uses and structures in the C-2 District, when authorized in accordance with the requirements of Section 168.12(2).
- A. Bed and breakfast home, as established in Chapter 137F of the *Code of Iowa* and as defined in Section 165.05 of this Zoning Ordinance.
  - B. Historic preservation or museum.
  - C. Any public or government building.
  - D. Privately operated community building or recreation field.
  - E. Hospital or institution; provided, any hospital or institution permitted in any R District shall be located on a site of not less than four acres, shall not occupy more than 10 percent of the total lot area, and shall be set back from all yard lines at least two feet for each foot of building height.
  - F. Cemetery.
  - G. Funeral home or mortuary.
  - H. Radio or television broadcasting tower or station.
  - I. Commercial, recreational, or amusement development for temporary or seasonal periods.
  - J. Circus or carnival grounds, but not within 300 feet of any Residential District.
  - K. Riding stable.
  - L. Tourist camp or mobile home court, provided such tourist or trailer camp shall comply with the provisions of applicable ordinances of the City and the laws of the State of Iowa.
  - M. Airport, landing field, or landing strip for all forms of aircraft, auto racetrack and drag strip.
  - N. Parking lots on land within 300 feet from any commercial, business, or industrial district, provided the following standards are met:
    - (1) Ingress and egress to such lot shall be from a major street or from a street directly serving the commercial or business district.

(2) No business involving the repair or service of vehicles, or sale or display thereof, shall be conducted from or upon such parking areas.

(3) No structures shall be erected or remain on any portion of the lot except as provided for under subparagraph 7 hereof.

(4) No signs shall be erected on the parking area except as approved by the City Planning and Zoning Commission.

(5) Parking areas shall be used for parking patrons' private passenger vehicles only and no charge shall be made for parking within such premises.

(6) The parking shall be set back in conformity with the established or required yards for residential uses and where a parking area adjoins a dwelling use it shall have a minimum side yard of 10 feet.

(7) The parking area shall be suitably screened or fenced, paved and drained, lighted and maintained free of debris.

O. Temporary buildings used only in conjunction with construction work may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

4. Height and Area Regulations. The height and area regulations set forth in this section and Sections 167.02 and 167.03 shall be observed.

A. Building height (maximum).....6 stories or 90 feet

B. Front yard (minimum setback).....None

C. Side yard (minimum setback):  
Nonresidential buildings .....None  
Nonresidential buildings abutting  
residential district .....5 feet

D. Rear yard (minimum setback):  
Nonresidential buildings.....None  
Nonresidential buildings abutting  
residential district .....20 feet

E. Lot area (minimum per family):  
Single-family .....6,000 square feet  
Two-family .....3,000 square feet  
Multi-family (minimum lot size) .....1,000 square feet

F. Lot frontage (minimum).....None

G. Lot size (minimum):  
Single-family .....6,000 square feet.  
Two-family .....6,000 square feet.  
Multi-family .....7,000 square feet.

5. Permitted Signs. The following signs shall be permitted in the C-2 District as accessory uses, subject to the following regulations provided the principal use exists:
  - A. The same signs permitted in Section 166.09(5).
6. Parking and Loading Regulations. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific use set forth in Section 167.14.

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**166.11 M-1 LIGHT INDUSTRIAL DISTRICT.** The M-1 District is intended principally for manufacturing, processing, storage, wholesaling, distribution, and related uses that are generally contained within a building and dependent on raw materials refined elsewhere. It is further the intent of this district to accommodate such uses in appropriate locations, which will not adversely affect existing and future land uses in other districts.

1. Principal Permitted Uses. The following are principal permitted uses in the M-1 District.

- A. Any use permitted in the C-2 General Business District.
- B. Books, hand binding and tooling.
- C. Building material and lumberyard.
- D. Compounding of cosmetic and pharmaceutical products.
- E. Coal, coke or wood yard.
- F. Contractor's yard.
- G. Jewelry manufacture from precious metals.
- H. Laboratories, research, experimental and testing.
- I. Manufacture of clay, leather, metal and glass products of a handicraft nature.
- J. Manufacture of medical, dental and drafting instruments.
- K. Manufacture of optical goods and equipment, watches, clocks, and other similar precision instruments.
- L. Manufacture of small electrical or electronic apparatus, musical instruments, games and toys.
- M. Creamery, cheese factory and dairy operation.
- N. Radio and television broadcasting stations and studios but not including sending or receiving towers.
- O. Grain elevators, grain storage and feed mixing plants.
- P. Metal fabrication, welding shop.
- Q. Generally those offices, laboratory and manufacturing uses similar to those listed in this section which do not create any danger to health and safety in surrounding areas and which do not create any offensive noise, vibration, smoke, dust, odors, heat or glare.

2. Accessory Uses. All uses that are customarily incidental to uses permitted in this district may exist provided that the principal use exists and the requirements of Section 167.12 are met.

3. Special Use Permits. The Zoning Board of Adjustment may, by special use permit, authorize the following special exception uses and structures in the M-1 District, when authorized in accordance with the requirements of Section 168.12(2).

- A. Bed and breakfast home, as established in Chapter 137F of the *Code of Iowa* and as defined in Section 165.05 of this Zoning Ordinance.

- B. Historic preservation site or museum.
- C. Any public or government building.
- D. Privately operated community building or recreation field.
- E. Hospital or institution; provided, any hospital or institution permitted in any R District shall be located on a site of not less than four acres, shall not occupy more than 10 percent of the total lot area and shall be set back from all yard lines at least two feet for each foot of building height.
- F. Cemetery.
- G. Funeral home or mortuary.
- H. Radio or television broadcasting tower or station.
- I. Commercial, recreational or amusement development for temporary or seasonal periods.
- J. Circus or carnival grounds, but not within 300 feet of any Residential District.
- K. Riding stable.
- L. Tourist camp or mobile home court, provided such tourist or trailer camp shall comply with the provisions of applicable ordinances of the City and the laws of the State of Iowa.
- M. Airport, landing field, or landing strip for all forms of aircraft, auto racetrack and drag strip.
- N. Parking lots on land within 300 feet from any commercial, business or industrial district, provided the following standards are met:
  - (1) Ingress and egress to such lot shall be from a major street or from a street directly serving the commercial or business district.
  - (2) No business involving the repair or service of vehicles, or sale or display thereof, shall be conducted from or upon such parking areas.
  - (3) No structures shall be erected or remain on any portion of the lot except as provided for under subparagraph 7 hereof.
  - (4) No signs shall be erected on the parking area except as approved by the City Planning and Zoning Commission.
  - (5) Parking areas shall be used for parking patrons' private passenger vehicles only and no charge shall be made for parking within such premises.
  - (6) The parking shall be set back in conformity with the established or required yards for residential uses and where a parking area adjoins a dwelling use it shall have a minimum side yard of 10 feet.
  - (7) The parking area shall be suitably screened or fenced, paved and drained, lighted and maintained free of debris.



- O. Temporary buildings used only in conjunction with construction work may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.
- 4. Height, Area and Bulk Regulations. The height and area regulations set forth in this section and Sections 167.02 and 167.03 shall be observed.
  - A. Building height (maximum).....6 stories or 90 feet
  - B. Front yard (minimum setback).....25 feet
  - C. Side yard (minimum setback):
    - None, except on lot abutting residential district .....20 feet
  - D. Rear yard (minimum setback).....25 feet
  - E. Lot area (minimum per family).....None
  - F. Lot frontage (minimum).....None
  - G. Lot size (minimum).....None
- 5. Permitted Signs. The following signs shall be permitted in the M-1 District as accessory uses, subject to the following regulations, provided the principal use exists.
  - A. The same signs permitted in Section 166.09(5).
- 6. Parking and Loading Regulations. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 167.14.

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**166.12 M-2 HEAVY INDUSTRIAL DISTRICT.** The M-2 District is intended to accommodate general manufacturing and closely related uses while providing protection from harmful effects to existing and future uses in other districts.

1. Principal Permitted Uses. The following are principal permitted uses in the M-2 District.

- A. Any use permitted in the M-1 Light Industrial District.
- B. Acid manufacture.
- C. Bulk plants.
- D. Cement, lime, gypsum, plaster of Paris, fiberglass or plastic manufacture.
- E. Distillation of bones and glue manufacture.
- F. Explosives manufacture or storage.
- G. Fat rendering and fertilizer manufacture.
- H. Gas manufacture.
- I. Garbage, offal, or dead animals, reduction or dumping.
- J. Junk yards.
- K. Refining of petroleum or its products.
- L. Smelting of tin, copper, zinc or iron ores.
- M. Stockyards or the slaughter of animals.

2. Accessory Uses. All uses that are customarily incidental to uses permitted in this district may exist provided that the principal use exists and the requirements of Section 167.12 are met.

3. Special Use Permit. The Zoning Board of Adjustment may, by special use permit, authorize the following special exception uses and structures in the M-2 District, when authorized in accordance with the requirements of Section 168.12.

- A. Bed and breakfast home as established in Chapter 137F of the *Code of Iowa* and as defined in Section 165.05 of this Zoning Ordinance.
- B. Historic preservation site or museum.
- C. Any public or government building.
- D. Privately operated community building or recreation field.
- E. Hospital or institution; provided, any hospital or institution permitted in any R District shall be located on a site of not less than four acres, shall not occupy more than 10 percent of the total lot area and shall be set back from all yard lines at least two feet for each foot of building height.
- F. Cemetery.
- G. Funeral home or mortuary.
- H. Radio or television broadcasting tower or station.

- I. Commercial, recreational, or amusement development for temporary or seasonal periods.
  - J. Circus or carnival grounds, but not within 300 feet of any Residential District.
  - K. Riding stable.
  - L. Tourist camp or mobile home court; provided, such tourist or trailer camp shall comply with the provisions of applicable ordinances of the City and the laws of the State of Iowa.
  - M. Airport, landing field, or landing strip for all forms of aircraft, auto racetrack and drag strip.
  - N. Parking lots on land within 300 feet from any commercial, business or industrial district, provided the following standards are met:
    - (1) Ingress and egress to such lot shall be from a major street or from a street directly serving the commercial or business district.
    - (2) No business involving the repair or service of vehicles, or sale, or display thereof shall be conducted from or upon such parking areas.
    - (3) No structures shall be erected or remain on any portion of the lot except as provided for under subparagraph 7 hereof.
    - (4) No signs shall be erected on the parking area except as approved by the City Planning and Zoning Commission.
    - (5) Parking areas shall be used for parking patrons' private passenger vehicles only and no charge shall be made for parking within such premises.
    - (6) The parking shall be set back in conformity with the established or required yards for residential uses and where a parking area adjoins a dwelling use it shall have a minimum side yard of 10 feet.
    - (7) The parking area shall be suitably screened or fenced, paved and drained, lighted and maintained free of debris.
  - O. Temporary buildings used only in conjunction with construction work may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.
4. Height and Area Regulations. The height and area regulations set forth in this section and Sections 167.02 and 167.03 shall be observed:
- A. Building height..... 6 stories or 90 feet.
  - B. Front yard (minimum setback) ..... 25feet.
  - C. Side yard (minimum setback):
    - None, except on lot abutting residential district..... 20 feet.

- D. Rear yard (minimum setback).....25 feet.
  - E. Lot area (minimum per family).....None.
  - F. Lot frontage (minimum).....None.
  - G. Lot size (minimum).....None.
5. Permitted Signs. The following signs shall be permitted in the M-2 District as accessory uses, subject to the following regulations, provided the principal use exists:
- A. The same signs permitted in Section 166.09(5).
6. Parking and Loading Regulations. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in 167.14.

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<b>EDITOR'S NOTE</b>			
The following ordinances have been adopted amending the Official Zoning Map described in Section 166.02 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.			
<b>ORDINANCE NO.</b>	<b>DATE ADOPTED</b>	<b>ORDINANCE NO.</b>	<b>DATE ADOPTED</b>
416	January 2, 2001		
417	February 5, 2001		
428	September 4, 2001		
429	September 4, 2001		
432	November 19, 2001		
441	November 4, 2002		
451	February 18, 2003		
453	March 17, 2003		
454	April 21, 2003		
466	January 19, 2004		
467	February 2, 2004		
468	April 5, 2004		
469	April 5, 2004		
487	November 21, 2005		
509	January 18, 2010		
517	February 6, 2012		
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**CHAPTER 167**  
**ZONING REGULATIONS**  
**GENERAL DISTRICT REGULATIONS**

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**167.01 GENERAL PURPOSE.** The provisions of this chapter apply to uses within all zoning districts.

**167.02 GENERAL HEIGHT EXCEPTIONS AND MODIFICATIONS.**

1. Schools, public buildings, and institutions may be erected to a height not exceeding 60 feet in any district in which they are permitted; provided, front and rear yards are increased in depth and side yards are increased in width one foot for each foot of height that the building exceeds the height regulations of the district in which it is located.
2. The height regulations prescribed herein do not apply to grain elevators, television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors and flag poles.
3. The limitation on number of stories does not apply to buildings used exclusively for storage purposes, provided that such buildings do not exceed the height in feet permitted in the district in which they are located.

**167.03 GENERAL AREA EXCEPTIONS AND MODIFICATIONS.**

1. Every part of a required yard shall be open to the sky, unobstructed by a building, except for accessory buildings in a rear yard, and except for the ordinary projections of sills, belt courses, cornices, and ornamental features not to exceed 12 inches.
2. Open or lattice enclosed fire escapes, required by law, projecting into a yard not to exceed five feet and the ordinary projection of chimneys and pilasters shall be permitted by the Zoning Administrator when placed so as not to obstruct light and ventilation.
3. Terraces, uncovered porches and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into a required yard; provided, these projections be distant at least two feet from the adjacent side lot line.
4. Where a lot or tract is used for educational, institutional, motel, hotel, commercial or industrial purpose, more than one main building may be located upon

the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

5. Where an open space is more than 50 percent surrounded by a building, the minimum width of the open space shall be at least 20 feet for one-story buildings, 30 feet for two-story buildings, and 40 feet for buildings three stories or more in height.
6. Every one-family dwelling shall have a minimum living area of 650 square feet.

#### **167.04 GENERAL FRONT YARD EXCEPTIONS AND MODIFICATIONS.**

1. Where 40 percent or more of the frontage on the same side of a street between two intersecting streets is developed with buildings that have observed a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
2. Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that do not have a front yard as described above.
  - A. Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side; or
  - B. Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only such building may be erected as close to the street as the existing adjacent buildings; or
  - C. Where a building is to be erected on a parcel of land that is more than 100 feet from any building on either side, a front yard having a depth of not less than 25 feet shall be provided.
3. Interior lots abutting on two streets shall provide the required front yard on both streets.
4. On corner lots a front yard shall be provided on each street, which will conform to building lines established.
5. An unenclosed balcony or unenclosed porch may project into a front yard for a distance not exceeding 10 feet. An enclosed vestibule containing not more than 40 square feet may project into a front yard for a distance not to exceed four feet:
6. Filling station pumps and pump islands may be located within a required yard, provided that they are not less than 15 feet distant from any street line and not less than 50 feet distant from any R District.
7. In any R District no fence, structure, or planting shall be maintained within the area of a triangle formed by connecting the point of intersection of two streets and two points 30 feet distant from the point of intersection along the street line of each of the intersecting streets.
8. One directional or name sign or sign advertising products sold on the premises may occupy required yards in a district when such sign is permitted by the use regulations of this Zoning Ordinance; provided, such sign is not more than 35 square feet in area and does not contain flashing, moving or intermittent illumination.

**167.05 GENERAL SIDE YARD EXCEPTIONS AND MODIFICATIONS.**

1. Commercial or industrial buildings used in part for dwelling purposes shall provide side yards not less than five feet in width unless every dwelling room opens directly upon a front yard, rear yard or court.
2. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling shall be considered as one building occupying one lot.
3. Whenever a lot of record at the time of the passage of this ordinance has a width of less than 50 feet, the side yard on each side of a building may be reduced to a width of not less than 10 percent of the width of the lot, but in no instance shall it be less than three feet.
4. On corner lots of record, if required, there shall be a side yard building line to conform to existing lines.
5. A porte-cochere, carport or canopy may project into a required side yard; provided, every part of such porte-cochere, carport or canopy is unenclosed except for necessary structural supports and not less than five feet from any side lot line.

**167.06 GENERAL REAR YARD EXCEPTIONS AND MODIFICATIONS.** Where a lot abuts upon an alley, one-half the alley width may be considered as part of the required rear yard.

**167.07 ZERO LOT LINES.** A separate or divided ownership of each single-family unit of a two-family dwelling unit shall be allowed subject too and conditioned upon compliance with the following requirements:

1. The lot or parcel of real estate being divided into parcels allowing separate ownership thereof must originally meet all of the requirements for uses permitted in an R-1 District.
2. In the event of the division of the lot or parcel of real estate into two adjacent lots or parcels of real estate, each tract or lot must also then comply with all uses and requirements for construction of a dwelling thereon in an R-1 District. In the event that compliance in full is not possible but the lot owner can show substantial compliance is possible, a variance may be granted.
3. A two-family dwelling must be in existence or will be constructed thereon consisting of two laterally attached dwelling units with each unit having a separate access and utility service.
4. The division of the lot or parcel into two parcels shall be in such a manner as to result in one-single-family dwelling unit being located on either side of the common boundary line with the common wall between the two laterally joined single-family dwelling units being on said common boundary line. The lot lines for each two-unit family dwelling must have an approved two-hour fire resistive wall between them that is built from the footings to the roof.
5. Prior to division into two parcels there shall be recorded in the Cedar County Recorder's Office restrictive and protective covenants providing that the owners thereof are jointly and severally liable and responsible for the maintenance and repair of the common wall as well as all other common aspects including, but not limited to utilities, water, sanitary sewer, storm sewer, easements and driveways, all to the point of division.

6. The two-family dwelling shall in all respects, other than the division thereof, be considered as any other two-family dwelling and meet all requirements pertaining thereto with express understanding that nothing herein shall be construed to allow the separate other use of one or both of the resulting two parcels of real estate in the event the laterally joined two-family dwelling unit is partially or totally damaged or destroyed.

**167.08 MINIMUM DWELLING UNIT REQUIREMENTS.** For all building permits issued after final passage of the Zoning Ordinance, all dwelling units shall conform to the following requirements:

1. Minimum gross floor area shall not be less than 900 square feet.
2. Minimum width shall not be less than 20 feet on the unit's shortest side for the entire length of the structure.
3. Siding material shall be of a material other than flat or corrugated sheet metal.
4. If it is proposed to place a mobile home (manufactured home) outside a mobile home park, it shall be converted to real estate under the provisions of Section 435.26 of the *Code of Iowa*.
  - A. The mobile home (manufactured home) shall be firmly anchored to the foundation in accordance with accepted practice in lieu of tie downs.
  - B. If a pier footing foundation system is used, a perimeter visual barrier, constructed of solid concrete block set in mortar or poured concrete, is required to insure visual compatibility with surrounding residential structures. The footings for the perimeter visual barrier shall be at least below the frost line and 12 inches below the top of the undisturbed earth. The frost line shall be deemed to be three and one-half feet below final finish grade at the barrier, and any backfill shall be properly compacted to prevent excessive frost penetration.
  - C. Such mobile homes shall not be constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles.
  - D. A mobile home not in place outside a mobile home park and not complying with the standards required for mobile homes since July, 1976, under the *State Building Code* shall not be permitted to be converted to real estate under Section 435.26 of the *Code of Iowa*. Only mobile homes complying with the standards of safety and construction required since 1976, with a medallion and certificate of compliance, may be placed outside a mobile home park after the effective date of this section. If a pier footing foundation system is used, a perimeter visual barrier, constructed of solid concrete block set in mortar or poured concrete, is required to insure visual compatibility with surrounding residential structures. The footings for the perimeter visual barrier shall be at least below the frost line and 12 inches below the top of undisturbed earth. The frost line shall be deemed to be three and one-half feet below final finish grade at the barrier, and any backfill shall be properly compacted to prevent excessive frost penetration.

**167.09 HOME OCCUPATIONS.** The regulations for home occupations are designed to protect and maintain the residential character of a neighborhood while permitting certain limited business enterprises activities which have traditionally been carried out in the home.

1. "Home occupation," as defined herein, is limited to one or more members of a family who reside on the premises and who operate the business enterprise. There shall be no more than one home occupation business per property.
2. Any business enterprise covered under the home occupation regulations may employ a person other than a member of the immediate family on a temporary basis for a period of 30 days per year. The Board of Adjustment may allow the temporary employee to work more than 30 days a year. In both cases there must be satisfactory evidence showing an extreme hardship or special emergency to permit the temporary employee.
3. There shall be no display of goods visible from the street and no advertising sign displayed other than a sign no larger than two square feet in area and containing nothing other than the name of the business enterprise conducted on the premises.
4. There shall be no exterior indication that the building is used for the purpose other than its original intent.
5. The business enterprise shall be confined to one floor. A home occupation business shall not exceed 25% of the floor on which the home occupation is located. For the purposes of this section, "floor area" means the square footage of the floor space within the outside line of walls of the floor on which the home occupation business will be located, including the basement or accessory buildings.
6. No activity shall be permitted which is noxious, offensive, or hazardous by reason of pedestrian or vehicular traffic, or by creation of noise, odor, refuse, heat, vibration, smoke, radiation, or any other objectionable emissions, or by interference with televisions or radio reception.
7. Application for use (home occupation) permit is required for the operation of a home occupation.
  - A. The applicant for an application of use (home occupation) permit is required to make a written application to the City or Zoning Administrator, stating all information requested to determine the type of the business to be conducted under the application of use.
  - B. If any changes in the status of the initial application of use occur, a new application is required to be submitted.
8. The Zoning Administrator shall be responsible to oversee the enforcement, regulation, and application procedure and keep a record of all application of use (home occupation) permits. A home occupation may be denied to operate by the Zoning Administrator upon a complaint of a violation of any of the above stated regulations or by substantiated complaints received from the Zoning Administrator or residents living nearby. Prior to the denied operation of the business enterprise, a hearing may be requested and would be held by the Board of Adjustment in accordance with Section 168.12.

**167.10 BUSINESS ENTERPRISE.** A business enterprise is not a home occupation as specified in Section 167.09. The regulations for business enterprise were designed to protect

and maintain the residential character of a neighborhood while permitting certain limited business activities, which may be carried out in the home.

1. A business enterprise is limited to one or more members of a family who reside on the premises and who operate the business enterprise. One person who does not reside on the premises may be employed on a permanent basis, with approval and conditions by the Board of Adjustment. The business enterprise may employ a person on a temporary basis for a period of 30 days per year, or for a longer period by approval of the Board of Adjustment. There shall be no more than one business enterprise per property.
2. There shall be no goods visible from the street and no advertising sign displayed other than a sign no larger than two square feet in area and containing nothing other than the name of the business enterprise conducted on the premises.
3. There shall be no exterior indication that the building is used for the purpose other than the original intent.
4. The business enterprise shall be confined to one floor. A business enterprise shall not exceed 25% of the floor area of the floor on which the business enterprise is located. For the purposes of this section, "floor area" means the square footage of the floor space within the outside line of walls of the floor on which the business enterprise will be located, including basement or accessory buildings.
5. One off-street parking space is required for the business enterprise.
6. No activity shall be permitted which is noxious, offensive, or hazardous by reason of pedestrian or vehicular traffic, or by creation of noise, odor, refuse, heat, vibration, smoke, radiation, or any other objectionable emissions, or by interference with televisions or radio reception.
7. A special use permit is required for the operation of the business enterprise in any R-1, R-2, or R-3 residential district that is not a home occupation.
  - A. The applicant for the special use permit is required to make a written application to the Zoning Administrator stating the nature of the special use, the business to be conducted, and any other questions necessary to determine the use.
  - B. Attached to the application for the special use permit must be an affidavit signed by the applicant showing that all residents within 200 feet have been given notice of the application for a special use permit, and the type of business enterprise to be conducted. The affidavit shall state the names and address of all those contacted.
  - C. The special use permit is conditional and must be renewed annually; the permit year is established as January 1 through December 31 of each year. Applications may be made within 30 days of expiration.
  - D. The initial application will be submitted to the Zoning Administrator who will then submit it to the Planning and Zoning Commission who shall forward said application to the Board of Adjustment for consideration. A public hearing regarding each new application shall be held by the Board of Adjustment; if approved the Zoning Administrator shall issue a special use permit. Renewals shall be handled by the Zoning Administrator, unless there

is a change in the status of the business enterprise, and then the permit shall be treated as a new application.

8. The Zoning Administrator shall be responsible to oversee the issuance, renewal, and enforcement of the special use permits as applied to a business enterprise.

9. There shall be an initial fee of \$10.00 assessed for each special use application and there will be a fee of \$5.00 assessed for each yearly renewal. These fees shall be paid to the Zoning Administrator as compensation for services in the investigation, processing, issuance, and renewal of a special use permit. All other costs incidental to the application and/or publication costs shall be paid by the applicant, whether or not a special use permit is granted or renewed. Under no conditions shall any fee be refunded upon the denial, revocation, or failure to issue said permit. The Zoning Administrator may ask for a reasonable deposit to cover said expenses at the time of application.

10. A special use permit may be revoked by the Board of Adjustment upon a complaint of a violation of any of the above stated regulations or by substantiated complaints received from the Zoning Administrator or residents living nearby. Prior to the revocation, a hearing would be held by the Board of Adjustment to allow the permit holder to show cause why the revocation should not be upheld.

#### **167.11 MOBILE HOME AND MOBILE HOME PARK.**

1. Location of Mobile Home. It is unlawful for any person, firm or corporation to park or place any mobile home on a street, alley, highway, or public place, or on any private land within the City, except as is provided by State law and this Zoning Ordinance. This section does not apply to mobile homes parked or placed within mobile home parks, or upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation. A mobile home is permitted in a mobile home park with only one mobile home permitted on each approved mobile home space, in accordance with the provisions of this section and applicable regulations. A mobile home is permitted in a mobile home subdivision with only one mobile home per mobile home lot (space).

2. Permanent Occupancy. A mobile home shall not be used as a permanent dwelling place or for indefinite periods of time except in a mobile home park, except those so used on November 1989. Any mobile home removed from property that is not a mobile home park shall not be replaced by a mobile home, unless such mobile home meets the construction and safety standards established under the authority of 42 United States Code Section 5403, and connected permanently to City water and sanitary sewer facilities, it may be located in any part of the City subject to meeting requirements of any section of this Zoning Ordinance.

3. Emergency and Temporary Parking. Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of seven days shall not constitute a violation of subsection 1 of this section, but such parking shall be subject to any prohibitions or regulations contained in this Code of Ordinances.

4. Mobile Home Park Area and Yard Requirements. Mobile home parks (or trailer parks) shall be designed and maintained in accordance with the following minimum requirements:

- A. Mobile Home Park Area. The minimum parcel size for a mobile home park is the area required under this section for the placement of two (2) or more mobile home spaces.
- B. Mobile Home Space. The minimum size of the mobile home space within a mobile home park shall be determined by the size of the mobile home units, the separation requirements and the occupied lot area ratios. The parking requirements, the separation requirements and the occupied lot area ratios. The maximum density of mobile home spaces shall be eight (8) spaces per gross acre.
- C. Parking Requirements. Two off-street parking spaces are required per each mobile home space.
- D. Mobile Home Stand. The mobile home stand shall provide for the practical placement of the mobile home and removal of the mobile home from the mobile home space. Access to the mobile home stand shall be kept free of trees or other immovable obstructions. The mobile home stand shall not occupy an area in excess of one-third of the respective mobile home space. The mobile home stand shall be constructed of appropriate material (such as concrete), be properly graded, placed, and compacted in order to provide durable and adequate support of the maximum loads during all seasons of the year. The mobile home stand shall react as a fixed support and remain intact under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure. Adequate surface drainage shall be obtained by proper grading of the mobile home stand and the mobile home space. Grading shall provide for diversion of water and soil and divert the surface runoff to adequate outfalls or drainage swales.
- E. Area Requirements. No part of any mobile home, room addition, or related awnings shall be located less than 25 feet from the exterior boundary of the mobile home park. The minimum distance between mobile homes or permanent buildings within the mobile home park shall not be less than 25 feet. If structural additions to a mobile home are anticipated, design distances between mobile homes must be computed in anticipation that the addition is already a part of the mobile home. The minimum setback of the mobile home from the interior park street shall be 15 feet from the curb line. The minimum side yard setback on any side of a mobile home shall be 10 feet unless specified otherwise in this section.
- F. Storm Shelters. A structurally adequate storm safety facility capable of providing adequate shelter from tornadoes and other forms of severe weather for all mobile home park residents may be recommended by the City Council for the general welfare and safety of park residents. The minimum floor area for the storm shelter shall be seven (7) square feet per mobile home unit. This facility may serve in a dual capacity as another accessory use.
- G. Lighting. Adequate lighting shall be provided for all streets, sidewalks, and common areas subject to nighttime use.
- H. Fire Protection. Access within a mobile home park for fire protection services shall be such as to permit tire apparatus within at least 100 feet of each mobile home.



I. Garbage and Trash Disposal. Unless individual garbage and trash collection is provided for each mobile home space, permanent locations for the collection of garbage and trash shall be established. These areas shall be convenient to the user, hard-surfaced, and so designed as to prevent containers from being tipped to minimize spillage and container deterioration, and to facilitate cleaning. Such areas must be screened on three sides.

J. Utilities. All utility lines and service lines within the mobile home park shall be placed underground. The City Council may upon a submission of a plan, approve other options.

(1) Water Supply. The mobile home park, and all the individual mobile homes located therein, shall be connected to the City water system.

(2) Sewer System. The mobile home park, and all the individual mobile homes located therein shall be connected with the sewer system of the City. and such connections must be approved by the City Engineer.

(3) All electrical, plumbing, and gas connections shall be inspected for compliance with the Plumbing Code, Electrical Code and Mechanical Code of the City.

K. Sidewalks. Provision and maintenance of a common sidewalk system may be recommended by the City Council in conjunction with all streets. The system shall facilitate pedestrian access to and around the mobile home park. Sidewalks should be constructed to grade, with the specifications approved by the City Engineer.

L. Streets. Each mobile home lot shall have direct access to a park street. The minimum street width of the park street shall be a 60-foot right-of-way, or as determined by the City, in which case the street will meet City specifications.

M. Easements. Easements of at least ten feet in width shall be provided on each side of all rear lot lines and along side lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water, or other mains. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities, or where both water and sewer lines are located in the same easement. No trees, shrubs, or structures shall be placed in any easement for utility or drainage purposes, which would prevent the proper authorities from having access to and use of such easements at any time.

N. Ground Anchors and Tie-Downs. Ground anchors shall be installed by the lot owner or developer at each mobile home stand prior to or when the mobile home is located thereon to permit tie-downs of mobile homes. Ground anchors shall be placed not more than 12 feet on center beginning from the front end of the home. Not more than six feet of open-end spacing shall be provided at the rear line of the mobile home stand unless additional ground anchors are installed. Each mobile home shall be provided with tie-downs to the main framing members of the mobile home. Every owner or occupant of a mobile home shall secure the same against wind damage, and every owner,

operator, or person in charge and control of a mobile home park shall inspect and enforce this requirement.

O. Skirting. The frame, wheels, crawl space, storage area, and utility connections of all mobile homes shall be concealed from views by skirting, which shall be of a durable all-weather construction and which is consistent with the exterior of the mobile home. Installation of skirting must be installed within 60 days of the installation of the mobile home on the stand.

5. Mobile Home Park Plan Requirements. No building or zoning permits will be issued for a mobile home park unless the parcel is zoned R-3 and a plan for use and development of the parcel or parcels has been approved by the City Council after review by the Planning and Zoning Commission. A plan for the development of a mobile home park shall include:

A. Site plan at a scale not to exceed 1 inch equals 100 feet, including the following:

- (1) Name and address of the owner/developer.
- (2) Legal description.
- (3) Existing contours at intervals of not more than two feet.
- (4) Finished topography at intervals of not more than two feet and storm water detention areas.
- (5) Soil erosion control plan.
- (6) Area and dimensions of the tract.
- (7) The number, location, and size of all mobile home spaces, stands, and parking.
- (8) Location of all existing and proposed utilities (sanitary sewer, water system, storm sewer, gas, telephone, and electrical power).
- (9) Location of permanent buildings and storm shelters.
- (10) Location of recreational areas and facilities.
- (11) Location and width of streets and sidewalks.
- (12) Location of refuse disposal facilities if not provided on the individual mobile home space; also location of outdoors drying areas and boat and recreational vehicle storage areas if provided.
- (13) Location of lighting to be provided along streets, pedestrian sidewalks and other exterior areas, which will be used at night.
- (14) Location, size, and characteristics of identification and directional signs.

B. Design standards for preparation and review of the site plan:

- (1) Natural drainage areas shall be retained as appropriate and, if necessary, improved. Water shall be diverted away from buildings, patios and mobile home stands, and adequate systems (facilities) shall be provided for the collection and disposal of surface and subsurface water.

(2) The mobile home unit shall be fitted to the terrain with a minimum disturbance to the natural environment. The natural site amenities such as existing trees, rock out-croppings, and other natural features shall be preserved to the extent practical. Favorable views or outlooks shall be emphasized in the plan.

(3) If the mobile home park includes floodplain areas, they shall be preserved as permanent open space.

(4) A variety of orientations of mobile homes and spaces within each site plan shall be encouraged to:

- a. Eliminate monotony and repetitive unit siting.
- b. Ensure compatibility with specific site shapes and harmony with the topography.
- c. Encourage individual mobile home site privacy.
- d. Create siting variety and improved appearance.

C. Landscape plan drawn to a scale 1 inch equals 100 feet, showing: (i) location, size, and description of all proposed and existing plant materials; (ii) existing plant materials to be removed; (iii) existing plant materials to be retained; (iv) areas to be developed for buildings, parking, streets, and landscaping.

(1) The landscape plan shall provide:

- a. Preservation of existing trees and other natural vegetation where practicable.
- b. Landscaping and screening such earth mounds, screen planting or a combination of fencing and landscaping along the exterior boundaries of the mobile home park.
- c. A typical mobile home space-landscaping plan to include shade trees and other landscaping to be provided for each space.
- d. Screening for boat and recreational vehicle storage areas, refuse collection areas, outdoor drying areas, and propane tanks.
- e. Lawns or ground cover on each mobile home space where areas are not paved for parking or patios; open space areas may be left as natural areas.
- f. Windbreaks where deemed necessary.

(2) The objectives of the landscape plan are:

- a. To define private outdoor living space.
- b. To screen undesirable views.
- c. To reduce adverse effects upon the subject property and adjacent and nearby property.
- d. To buffer noise and objectionable light.

e. To provide for shade, protection from elements and the comfort and convenience of residents.

6. Application and Review Procedure. An application for approval of a plan for use and development of the land shall be made to the City by filling an application, in writing, to the Zoning Administrator. The recommendation of the Planning and Zoning Commission will be made in writing to the City Council and will include a statement of the findings of the Commission for compliance with this section. The City Council shall either approve or deny the plan, and shall make a record of the evidence, findings, and conclusions on which the decision is based. Changes in an approved plan shall be made only if the changes are approved after going through the same application and review process as the initial plan. In the event of any variation in the plan, as approved by the City Council, the Zoning Administrator shall deny the building permits. The approval of any site plan required by this chapter shall remain valid for two years after the date of approval, after which time the site plan shall be null and void if the development has not been established or actual construction commenced. "Actual construction" means the permanent placement of construction materials has been started and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting contracts, grading of the property, or stockpiling of material on the site shall not constitute actual construction.

7. Mobile Home and Recreational Vehicle Parking. Mobile homes, travel trailers, or recreational vehicles shall not be parked, stored, or occupied on any property that is not a part of an approved mobile home park except the parking of one unoccupied travel trailer or recreational vehicle is permitted behind the front yard setback of the lot in any district, provided the travel trailer or recreational vehicle is not used for living quarters or business purposes.

8. Mobile Home Subdivision. A mobile home subdivision that is suitably developed for the placement and occupancy of mobile homes for residential purposes on individually owned lots, may be established in the R-3 District. The mobile home subdivision shall comply with all development requirements applicable for a mobile home park as provided for in this section and with the City of Tipton Subdivision regulations, and all other applicable State and local laws.

A. In a mobile home subdivision only one mobile home shall be permitted on each approved mobile home lot. No recreational vehicles or conventional construction shall be permitted on the mobile home lot for living purposes.

B. Mobile home subdivisions shall contain the minimum parcel size necessary for the placement of two or more mobile home spaces and a maximum density of eight mobile home lots per acre.

C. All land in the mobile home subdivision indicated as common land and common open space, such as common recreation areas, private roads and sidewalks, shall be maintained by one of the following methods:

(1) If the land is deeded to a Homeowner 5 Association (HOA), the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for approval of the use and development plan by City Council. The provisions shall include, but not be limited to:

- a. The HOA must be set up before the lots are sold.
  - b. Membership must be mandatory for each lot buyer and successive buyer.
  - c. The open space restrictions must be permanent.
  - d. The HOA must be responsible for liability insurance, taxes, and the maintenance of recreational and other facilities.
- (2) All or any part of the open space system may be conveyed to the City of Tipton by joint agreement of the developer and City. Such conveyance may be by dedication or easement.
9. Mobile Home and Mobile Home Park Nonconforming Uses.
- A. All mobile homes and mobile home parks lawfully established and located within the City prior to the adoption of the ordinance codified in this section, or which may become part of the City as a result of annexation, which are being used in a manner or for a purpose which is otherwise lawful, but which do not conform to the provisions of this section, shall be deemed to be a lawfully vested nonconforming use and as such may continue in the manner and to the extent that it lawfully existed at the time of the annexation of said property, or adoption of this section, except that any expansion must comply with this chapter.
- B. Existing mobile home parks may hereafter be expanded or enlarged, provided such expansion or enlargement in the new area is done in conformity with the provisions of this chapter. Nonconforming mobile homes used for residential purposes located on lots outside a mobile home park shall not be relocated, altered, or replaced except in compliance with the provisions of this chapter.
- C. Alterations or changes may be made within an existing vested nonconforming, mobile home park, located in the R-3 District, provided that the number of mobile homes is not increased and provided that the size of any mobile home space is not decreased below the minimum required by this chapter. Minor alterations or changes may be approved by the Zoning Administrator. Minor alterations or changes shall include construction of or additions to storage buildings, community or recreational facilities, maintenance buildings, accessory uses or structures that are complementary to an individual mobile home, outdoor vehicle or boat storage areas, or other similar type uses. All construction shall meet the setback and spacing requirements as required by the R-3 District. All other types of alterations or changes not specifically listed under minor alterations and changes will require the submittal of a plan amendment the procedure as established by the Zoning Ordinance.
- D. Minor alterations or changes shall be permitted only after a submittal of a site plan to the Zoning Administrator for review and processing. Such plan shall meet the submittal requirements and review standards as set out in this Zoning Ordinance, unless waived by the Zoning Administrator. Within 15 days after submittal, the Zoning Administrator, in a written decision, stating findings of fact and conclusions pertaining to the standards in this section, shall approve, approve with modification or deny the request. Upon

approval or approval with modification, a building permit may be issued. Any person aggrieved by a decision to grant or deny a permit may appeal to the Zoning Board of Adjustment, whereupon said Board shall decide the matter.

E. Any nonconforming mobile home or mobile home park that is abandoned, unused, or unoccupied for a period of one year or more shall not again be devoted to its prior use until it is brought into compliance with the provisions of this chapter.

F. Any nonconforming mobile home or mobile home park that is hereafter damaged by any means to an extent exceeding 65 percent or more of its replacement cost at the time of destruction exclusive of foundations, it shall not be restored or reconstructed for its prior use until it is brought into compliance with the provisions of this ordinance, provided it is reconstructed within one year of such damage.

G. Nothing in this section shall prohibit the maintenance and repair of nonconforming mobile homes and mobile home parks to keep such mobile homes and parks in sound and safe condition, provided no enlargement, extension, alteration, or change shall be made to increase the degree of nonconformity.

10. Compliance with *Code of Iowa* and Code of Ordinances. All sections of this chapter shall conform and be enforced by the *Code of Iowa* and this Code of Ordinances.

**167.12 ACCESSORY USES, BUILDINGS, AND STRUCTURES.** Accessory uses, buildings, and structures shall comply with this section.

1. All accessory buildings and structures require a building permit prior to their construction or placement on a lot.
2. No accessory building shall be constructed upon a lot until the construction of the main building has actually been commenced, and no accessory building shall be used unless the main building on the lot is completed and used.
3. Accessory buildings and structures are allowed in a rear yard and shall not have their foundations located less than three feet from a rear yard property line and such buildings and structures do not occupy more than 30 percent of the required rear yard.
4. Accessory buildings and structures are allowed in a side yard and shall not have their foundations located less than three feet from the side yard property line and such buildings and structures shall not occupy more than 30 percent of the required side yard.
5. Garages located closer than ten feet to the main building shall be regarded as part of the main building for the purpose of determining the required side and rear yards. Where a substantial part of the wall of an accessory building is a part of the wall of the main building, or where an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as part of the main building.
6. Private residential garages may be used for the storage of not more than one commercial vehicle of not more than three-ton capacity.

7. No accessory building shall be used for dwelling purposes.
8. Fences may be placed upon the true property line adjoining properties provided a signed document is presented to the Planning and Zoning Commission at the time of applications for a building permit. This document should be an agreement by both adjoining property owners that the fence will be placed on the property line and that there is no objection to the placement thereof and duly recorded at the Courthouse, at the Cedar County Recorder's Office. Upon sale of the properties involved, it will be the responsibility of the seller to inform the buyer that the fence is upon the property line and was agreed to at the time of the erection. If no agreement can be reached between adjoining property owners, then the fence will be erected no closer than three feet from the property line in question. Fences shall not exceed six feet in height in any R or C District and eight feet in height in any M District and may be placed on utility easement lines but shall not be placed within the area of an utility easement. Fences located in a front yard and/or within 30 feet of an intersection of streets, shall not be erected to a height exceeding 42 inches.

#### **167.13 SWIMMING POOLS.**

1. **Setback Requirements.** Pools shall not be located within ten feet of any side or rear lot line or within six feet of any principal structure or frost footing. Pools shall not be located closer than ten feet to any portion of a public or private sewer system. Pools shall not be located within any required front yard. Pools shall be drained to the storm sewer system unless otherwise authorized by the City Council.
2. **Fence Requirements.** All pools in excess of 18 inches in depth, including portable pools, shall be completely surrounded by a fence or solid structure (house, garage, or shed wall) and shall have no opening other than doors or gates. The fence or solid structure requirement in the case of a hot tub or spa may be satisfied with a lockable cover. A minimum of a five-foot-high fence or solid structure is required for all permanently installed pools (in-ground or partially in the ground and all others capable of holding water to a depth greater than 42 inches) and all pools installed inside a building regardless of depth. A minimum of a four-foot-high fence or solid structure is required for all other pools capable of holding water from 18 to 42 inches in depth.
  - A. The fence or solid structure shall have no openings of more than four inches.
  - B. All gates or doors opening through an enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except the door of any building that forms a part of the enclosure need not be so equipped.

#### **167.14 OFF-STREET PARKING AND LOADING REQUIREMENTS.**

1. In all districts except the C-2 General Business District, there shall be provided at the time any building or structure is erected or structurally altered (except as otherwise provided in this section) off-street parking spaces in accordance with the following requirements:
  - A. Bowling alley – five parking spaces for each alley.

- B. Business, professional, or public office building, studio, bank, medical or dental clinic – three parking spaces plus one additional parking space for each 400 square feet of floor area over 1,000.
- C. Church or temple – one parking space for every eight seats in the main auditorium.
- D. College or high schools – one parking space for every eight seats in the main auditorium or three spaces for each classroom, whichever is greater.
- E. Community center, library, museum or art gallery – ten parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet.
- F. Dance hall, assembly or exhibition hall without fixed seats – one parking space for each 100 square feet of floor area used therefor.
- G. Dwellings – one parking space for each dwelling unit plus one parking space for every two roomers.
- H. Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop – two parking spaces plus one additional parking space for each 300 square feet of floor area over 1,000.
- I. Golf club – one parking space for each five members.
- J. Hospital – one parking space for each four beds.
- K. Hotel – one parking space for each three sleeping rooms or suites plus one space for each 200 square feet of commercial floor area contained therein.
- L. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment – one parking space for every two employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.
- M. Mortuary or funeral home – one parking space for each 50 square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
- N. Printing or plumbing shop or similar service establishment – one parking space for each three persons employed therein.
- O. Private club or lodge – one parking space for every ten members.
- P. Restaurant, nightclub, cafe or similar recreation or amusement establishment – one parking space for each 100 square feet of floor area.
- Q. Retail store or personal service establishment, except as otherwise specified herein – one parking space for each 200 square feet of floor area.
- R. Rooming or boardinghouse – one parking space for each two sleeping rooms.
- S. Sanatorium, convalescent home, home for the aged or similar institution – one parking space for each six beds.



- T. School (except high school or college) – one parking space for each ten seats in the auditorium or main assembly room, or one space for each classroom, whichever is greater.
- U. Sports arena, stadium or gymnasium (except school) – one parking space for each five seats or seating spaces.
- V. Theatre or auditorium (except school) – one parking space for each five seats or bench seating spaces.
- W. Tourist home, bed and breakfast home or inn, or motel – one parking space for each sleeping room or suite.
2. In computing the number of such parking spaces required, the following rules shall govern:
- A. “Floor area” means the floor space within the outside line of walls and includes the total of all floors of a building. It does not include porches, garages, or space in a basement or cellar when such basement or cellar space is used for storage or incidental uses.
- B. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- C. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use or similar nature as determined by the Planning and Zoning Commission.
- D. Whenever a building or use constructed or established after the effective date of this Zoning Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Zoning Ordinance is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- E. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
3. All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use and where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed 300 feet from an institutional or other nonresidential building served.
- A. Up to 50 percent of the parking spaces required for:
- (1) Theatres, public auditoriums, bowling alleys, dance halls, night clubs or cafes, and up to 100 percent of the parking spaces required for a church or school auditorium may be provided and used jointly by:
  - (2) Banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated

during the same hours as those listed in (1), provided, however, that written agreement thereto is properly executed and filed as specified below.

B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and executed by the City Attorney and filed with the application for a building permit.

C. Off-street parking space may be located within the required front yard of any C or M District, but no off-street parking shall be permitted in the required front yard of any R District except upon a driveway providing access to a garage, carport or parking area for a dwelling.

4. Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarity involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises, off-street loading space in accordance with the following requirement: In the C-1 and C-2 Commercial Districts, one loading space for each 10,000 square feet or fraction thereof of gross floor area.

**167.15 PLANNED UNIT DEVELOPMENT (PUD).** The provisions of this Zoning Ordinance relating to planned unit development, excluding mobile home parks, may be applied only to development plans reviewed and approved according to the following procedures.

1. Administrative Review. Basic planned unit development proposals shall be submitted to the Planning and Zoning Commission for preliminary review and to establish requirements for plan documentation, including engineering and architectural plans, property maintenance and service agreements, development restrictions, and other as may be required by the Commission. Development plans and reports shall describe the relation of the proposal to the General Plan and to municipal service capabilities, schools, and utilities, and shall be sufficient to establish compliance of the proposal with all applicable ordinances and regulations.

2. Plan Approval. Approval of a proposed planned unit development shall be made by the Board of Adjustment in accordance with the same procedures governing the issuance of special use permits.

3. Effect of Planned Unit Development Approval. Approval of a planned unit development by the Board of Adjustment shall authorize the Zoning Administrator to issue certificates of zoning compliance for uses, construction, and arrangement as shall be in conformance with the approved development plan including such conditions and limitations as the Board of Adjustment shall have attached to plan approval. Any use, arrangement, or construction at variance with that authorized in the approved development plan shall be deemed a violation of this Zoning Ordinance.

**167.16 NONCONFORMITIES.** Within the districts established by this Zoning Ordinance or amendments that may later be adopted there may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the Zoning Ordinance was passed or amended, but which are or would be prohibited, regulated, or restricted under the terms of the Zoning Ordinance or future amendment. It is the intent of the Zoning Ordinance

to permit these nonconformities to continue until they are removed, but not to encourage their survival. Nonconformities shall not be enlarged upon, expanded, increased, or extended or used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nonconforming uses are declared by this Zoning Ordinance to be incompatible with permitted uses. A nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Zoning Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved. To avoid undue hardship, nothing in this Zoning Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of any existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

1. Nonconforming Lots of Record. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Ordinance, notwithstanding limitations imposed by other provisions of this Zoning Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, which are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Zoning Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Zoning Ordinance, the land involved shall be considered to be an undivided parcel for the purposes of this Zoning Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Zoning Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Zoning Ordinance.

2. Nonconforming Uses of Land (or Land with Minor Structures Only). Where at the time of passage of this Zoning Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Zoning Ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000 the use may be continued so long as it remains otherwise lawful, provided:

A. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Ordinance.

B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Zoning Ordinance.

- C. If any such nonconforming use of land ceases by reason of the removal of stored equipment, machinery, livestock, or fixtures related to the conduct of the nonconforming use for a period of two years, any subsequent use of such land shall conform to the regulations specified by this Zoning Ordinance for the district in which land is located.
- D. No additional structure not conforming to the requirements of this Zoning Ordinance shall be erected in connection with such nonconforming use of land.
3. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Ordinance which does not conform to the terms of this Zoning Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- A. No such nonconforming structure may be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such nonconforming structure or nonconforming portion of structure be destroyed by a means to an extent of more than 65 percent of its replacement cost at time of destruction, it shall not be reconstructed or repaired except in conformity with the provisions of this Zoning Ordinance.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulation for the district in which it is located after it is moved.
4. Nonconforming Use of Structures or of Structures and Premises in Combination. If unlawful use involving individual structures, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Zoning Ordinance, which use would not be allowed in the district under the terms of this Zoning Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- A. The area of any structure devoted to a use not permitted by this Zoning Ordinance in the district in which it is located may not be increased by more than ten percent unless such enlargement, extension, reconstruction, or alteration is made in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of this Zoning Ordinance, but no such use shall be extended to occupy any land outside such buildings.
- C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may, by special use permit, be changed to another nonconforming use provided that the Board of Adjustment, by its findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may

require appropriate conditions and safeguards in accord with the provisions of this Zoning Ordinance.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is replaced by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

E. When a nonconforming use of a structure, or a structure and premises in combination, is discontinued or abandoned, the structure, or structure and premises in combination, shall thereafter be used in conformity with the regulations of the district in which it is located except as permitted by the Board of Adjustment, by its finding in the specific case. Discontinuation or abandonment of a nonconforming use shall be deemed to have occurred when either machinery, fixtures, or equipment related to the conduct of the nonconforming use are removed for six (6) consecutive months, or when the nonconforming use is inoperative for 24 consecutive months.

F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall terminate the nonconforming use of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 65 percent of the assessed value at time of destruction.

The Board of Adjustment may permit the reconstruction of a nonconforming structure that has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 65 percent of its market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.

5. Repairs and Maintenance. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

6. Signs. Directional or name signs or signs pertaining to, or advertising products sold on the premises of a nonconforming building or use may be continued only when the nonconforming use is permitted to continue, and any such signs shall not be expanded in area, height, number or illumination. New signs, not to exceed 35 square feet in aggregate area may be erected only after all other signs existing at the effective date of adoption or amendment of this Zoning Ordinance are removed. New signs in conformity with the above may have illumination not to exceed 60 watts on one face of the sign, but flashing, intermittent, or moving illumination is not permitted.

7. Uses Under Special Use Permit Provisions Not Nonconforming Uses. Any use which is permitted by a special use permit in a district under the terms of this Zoning Ordinance (other than a change through Board of Adjustment action from nonconforming use to another use not generally permitted in the district) shall not be

deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

8. Certificate of Zoning Compliance Required. A nonconforming structure or use shall not be renewed or use changed until a certificate of zoning compliance shall have been issued by the Zoning Administrator. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this Zoning Ordinance.

**167.17 FAMILY HOMES.** This provision is established to accommodate family homes as set forth under Section 414.22 of the *Code of Iowa*.

1. The City shall consider a family home a residential use of property for the purpose of zoning and shall treat a family home as permitted use in all residential districts of the City.
2. The City shall not require that a family home, its owner, or operator obtain a special permit.
3. A new family home shall not be located within one-fourth of a mile from another family home.

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## CHAPTER 168

# ZONING REGULATIONS ADMINISTRATION AND ENFORCEMENT

168.01 Administration	168.09 Enforcement, Violations and Penalties
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168.03 Application for Building Permit	168.11 General Procedure of the Board
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168.08 Changes from Permitted Construction and Use Prohibited	

**168.01 ADMINISTRATION.** The Mayor, subject to the approval of the City Council, shall appoint a Zoning Administrator. It shall be the duty of the Zoning Administrator to enforce the Zoning Ordinance. The Zoning Administrator shall receive as compensation for services the full amount of the permit fee for each permit considered by the Zoning Administrator. This shall be in compensation for time and all ordinary expense.

**168.02 BUILDING PERMIT REQUIRED.** No building or other structure shall be erected, moved, added to, or altered in such a way as to change its exterior dimensions or the number of dwelling units or garage spaces within it without a building permit issued by the Zoning Administrator. No building permit shall be issued by the Zoning Administrator except in conformity with the provisions of this Zoning Ordinance, unless the Zoning Administrator receives a written order from the Board of Adjustment in the form of an administrative review, special use permit, or variance as provided by this Zoning Ordinance. No building permit shall be issued until an application has been made for a certificate of occupancy as required under Section 168.05.

**168.03 APPLICATION FOR BUILDING PERMIT.** All applications for building permits shall be accompanied by a permit fee and by accurate plans, submitted in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines within which the proposed building and structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Ordinance. One copy of the plans shall be returned to the applicant by the Zoning Administrator after marking such copy either as approved or disapproved and attesting to same by the Zoning Administrator's signature on such copy. The other copy of the plans, similarly marked and attested, shall be retained by the Zoning Administrator. An inspection period of two weeks shall be allowed for inspection and approval or disapproval of the plans. All dimensions shown on the plans relating to the locations and size of the lot to be built upon shall be based on an actual survey and the lot shall be staked out on the ground before construction is started. No building permit shall be issued until all electrical permits, plumbing permits and other permits required by this Code of Ordinances for the proposed project have been obtained.

**168.04 EXPIRATION OF BUILDING PERMIT.** If the work described in any building permit has not begun within 90 days from the date of issuance thereof, said permit shall expire; it shall be canceled by the Zoning Administrator and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been substantially completed within two years of the date of issuance hereof, said permit shall expire and be canceled by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

**168.05 CERTIFICATE OF OCCUPANCY REQUIRED.** It is unlawful to use or occupy or permit the use or occupancy of any building or land, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this Zoning Ordinance. Certificates of occupancy shall be required for any of the following:

1. Occupancy and use of a building hereafter erected or structurally altered.
2. Change in use of an existing building to a use of a different classification.
3. Occupancy and use of vacant land.
4. Change in the use of land to a use of a different zoning classification.
5. Any change in the use of a nonconforming use.

Failure to obtain a certificate of occupancy shall be a violation of this Zoning Ordinance and punishable under Section 168.09 of this chapter.

**168.06 APPLICATION FOR CERTIFICATE OF OCCUPANCY.**

1. Written application for a certificate of occupancy for a new building or for an existing building, which is to be altered, shall be made at the same time as the application for the building permit for such building. Said certificate shall be issued within three days after a written request for the same has been made to said Zoning Administrator after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Zoning Ordinance.
2. Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in the nonconforming use, as herein provided, shall be made to said Zoning Administrator; if the proposed use is in conformity with the provisions of this Zoning Ordinance, the certificate of occupancy therefor shall be issued within three days after the application for same has been made.
3. Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all certificates of occupancy shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having proprietary interest or tenancy in the building or land affected.
4. A certificate of occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Zoning Ordinance. Application for such certificate of occupancy for a nonconforming use shall be filed with the Zoning Administrator by the owner or lessee of the building or land occupied by such



nonconforming use, within one year of the effective date of this Zoning Ordinance. It shall be the duty of the Zoning Administrator to issue a certificate of occupancy for lawful nonconforming use. Failure to apply for such certificate of occupancy for a nonconforming use, or refusal of the Zoning Administrator to issue a certificate of occupancy for such nonconforming use shall be prima facie evidence that said nonconforming use was either illegal or did not lawfully exist at the effective date of this Zoning Ordinance.

**168.07 FEE SCHEDULE AND EXPENSES.** The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this Zoning Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the City Council. Property owners shall be responsible for costs and expenses incurred by the City pertaining to this Zoning Ordinance, including but not limited to engineering, publication costs, and expenses. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

**168.08 CHANGES FROM PERMITTED CONSTRUCTION AND USE PROHIBITED.** Zoning permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Zoning Ordinance.

**168.09 ENFORCEMENT, VIOLATIONS AND PENALTIES.**

1. Complaints Regarding Violations. Whenever a violation of this Zoning Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record such complaint, immediately investigate, and take action thereon as provided by this Zoning Ordinance.
2. Enforcement Procedure. Whenever the Zoning Administrator finds that any provision of this Zoning Ordinance is being violated, the Zoning Administrator shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of use of land, buildings, or structures in violation of this Zoning Ordinance; removal of buildings or structures or additions, alterations, or structural changes in violation of this Zoning Ordinance; discontinuance of any work being done in violation of this Zoning Ordinance; or shall take any other action authorized by this Zoning Ordinance to ensure compliance with or to prevent violation of its provisions.
3. Violation. Violation of the provisions of this Zoning Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or special use exceptions, shall constitute a violation of this Code of Ordinances. Each day such violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation shall each be

found guilty of a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy a violation.

**168.10 ESTABLISHMENT OF ZONING BOARD OF ADJUSTMENT.** A Zoning Board of Adjustment is hereby established pursuant to Chapter 414 of the *Code of Iowa*. The word “Board” as used in this chapter shall mean the Zoning Board of Adjustment.

1. Membership. The Board shall consist of five members to be appointed by the Mayor, subject to the approval of the City Council, each to be appointed for staggered terms of five years.
2. Vacancies. The Mayor shall appoint, subject to the approval of the City Council, persons to fill all vacancies as they occur, and shall at the regular Council meeting in the month of May appoint one member of the Board of Adjustment. This Board shall consist of one architect, engineer or contractor; one real estate broker, and three other persons selected for their knowledge of and interest in matters pertaining to this Zoning Ordinance.

**168.11 GENERAL PROCEDURE OF THE BOARD.**

1. Meetings. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Zoning Ordinance. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or, in the absence of the Chairperson, the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each questions, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions. Findings of fact shall be included in the minutes of each case of a requested variation, and the reasons for recommending or denying such variation shall be specified. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall be filed immediately in the office of the Board and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Zoning Ordinance or with the Iowa Statutes in such case made and provided, and may select or appoint such officers, as it deems necessary.
2. Vote of the Board. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Zoning Ordinance, or to effect any variation in the application of this Zoning Ordinance, or to adopt, repeal, or amend any rule of procedure adopted pursuant to this section.
3. Appeals. Appeals to the Board of Adjustment concerning interpretation or administration of this Zoning Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the Zoning Administrator. Such appeals shall be taken within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the Board, by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action

appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

4. Hearing and Notice. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. A fee of \$10.00 shall be paid to the Zoning Administrator at the time the notice of appeal is filed, which the Zoning Administrator shall forthwith pay over to the City Treasurer to the credit of the general revenue fund of the City.

**168.12 POWERS AND DUTIES OF THE BOARD.** The Board of Adjustment shall have the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Zoning Ordinance.

2. Special Exceptions Use Permits. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Zoning Ordinance; to decide such questions as are involved in determining whether special use permits should be granted; and to grant special use permits with such conditions and safeguards as are appropriate under this Zoning Ordinance, or to deny special use permits when not in harmony with the purpose and intent of this Zoning Ordinance. A special use permit shall not be granted by the Board of Adjustment unless and until:

A. A written application for a special use permit is submitted indicating the section of this Zoning Ordinance under which the special use permit is sought and stating the grounds on which it is requested.

B. Notice shall be given at least 15 days in advance of public hearing. The owner of the property for which special use permit is sought or the owner's agent shall be notified by mail. A notice of the time and place of such public hearing shall be published in a Tipton publication of general circulation at least 15 days prior to the hearing. Such notice shall contain the address or location of the property for which the variation or other ruling by the Board is sought as well as a brief description of the nature of the appeal.

C. The public hearing shall be held. Any party may appear in person, or by agent or attorney.

D. The Board of Adjustment shall make a finding that it is empowered under the section of this Zoning Ordinance described in the application to grant the special use permit and that the granting of the special use permit will not adversely affect the public interest.

E. Before any special use permit shall be issued, the Board shall make written findings certifying compliance with the specific rules governing

individual special use permits and the satisfactory provision and arrangement has been made concerning the following, where applicable.

- (1) Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the special permit on adjoining properties and properties generally in the district.
- (3) Refuse and service areas, with particular reference to the items in (1) and (2) above.
- (4) Utilities, with reference to locations, availability, and compatibility.
- (5) Screening and buffering with reference to type, dimensions, and character.
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
- (7) Required yards and other open space.
- (8) General compatibility with adjacent properties and other property in the district.

3. Variances. To authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in any other district shall be considered grounds for the issuance of a variance. A variance from the terms of this Zoning Ordinance shall not be granted by the Board of Adjustment unless and until:

- A. A written application for a variance is submitted demonstrating:
  - (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; and
  - (2) That literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance; and
  - (3) That the special conditions and circumstances do not result from the actions of the applicant; and
  - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other lands, structures, or buildings in the same district.

B. Notice shall be given at least 15 days in advance of public hearing. The owner of the property for which variance is sought or his agent shall be notified by mail. A notice of the time and place of such public hearing shall be published in a Tipton publication of general circulation at least 15 days prior to the hearing. Such notice shall contain the address or location of the property for which the variation or other ruling by the Board is sought as well as a brief description of the nature of the appeal.

C. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

D. The Board of Adjustment shall make findings that the requirements of paragraph A of this subsection have been met by the applicant for a variance.

E. The Board of Adjustment shall further make a finding that the applicant has established that reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

F. The Board of Adjustment shall further make a finding that the applicant has established that the granting of the variance will be in harmony with the general purpose and intent of this Zoning Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance. Violation of such conditions and safeguards when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Ordinance and punishable under Section 168.09 of this chapter. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Zoning Ordinance in said district. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the City Council in the manner provided in Section 166.02.

4. Board has Powers of Zoning Administrator on Appeals; Reversing Decision of Zoning Administrator. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Zoning Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.

5. Appeals From the Board of Adjustment. Any person or persons, or any board taxpayer, department, board, or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a Court of record, in the manner provided by the laws of the State and particularly by Chapter 414, *Code of Iowa*.

**168.13 ESTABLISHMENT OF PLANNING AND ZONING COMMISSION.** A City Planning and Zoning Commission is hereby created pursuant to Chapter 414 of the *Code of Iowa*. The word "Commission" as used in this Zoning Ordinance means the City Planning and Zoning Commission.

1. Membership of the Commission. The Commission shall consist of seven (7) members, who shall each be a resident of the City and qualified by knowledge or experience to act in matters pertaining to the development of a City plan and who shall not hold any elective office in the City government. Each member shall be appointed by the Mayor, subject to the approval of the City Council.
2. Term of Office. Members of the Commission shall serve for staggered terms of five (5) years. The terms of not more than one-third of the members will expire in any one-year.
3. Vacancies. If any vacancy shall exist on the Commission, caused by resignation or otherwise, the Mayor shall appoint a successor for the unexpired term, subject to the approval of the City Council.
4. Compensation. Each member of the Commission shall serve without compensation for service, but shall be entitled to reimbursement for the necessary and actual expenses incurred in the discharge of his or her duties.

#### **168.14 GENERAL PROCEDURE OF THE COMMISSION.**

1. Organization. The powers and duties of the Planning and Zoning Commission shall be exercised by the Commission. A majority of the members of the Commission shall constitute a quorum for the purpose of conducting business and exercising the powers of the Commission, and for all other purposes. Action may be taken by the Commission upon a vote of a majority of the members present, unless in any case the rules or regulations adopted by the Commission shall require a larger number. The Commission shall choose annually at its first regular meeting one of its members to act as Chairperson of the Commission and another member to act as Vice Chairperson, who shall act as the Chairperson during his or her absence or disability. The Commission shall adopt such rules and regulations governing its organization and procedure, as it may deem necessary.
2. Appointment of Employees. Subject to the approval of the City Council, the Commission may appoint such assistants as it may deem necessary and prescribe and define their respective duties and fix their compensation.
3. Monthly Report. The Commission shall each month it meets make a report to the Mayor and City Council of its proceedings, with a full statement of its receipts and disbursements.

#### **168.15 POWERS AND DUTIES OF THE COMMISSION.** The Commission shall have the following powers and duties:

1. Initiate Studies. To make or cause to be made surveys, studies, maps, plans, or charts of the whole or any portion of the City – or of any land outside the City – which in the opinion of the Commission bears relation to a comprehensive plan and bring the same to the attention of the Council and publish its studies and recommendations.
2. Public Place Recommendation. No statuary, memorial, or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances shall be located or erected (or site therefor obtained), nor shall any permit be issued by any department of the City government for the erection or location thereof, until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations

obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the Commission, after 30 days' written notice requesting such recommendations, shall have failed to file same.

3. Subdivision Recommendation. All plans, plats, or re-plats of subdivision or re-subdivisions of land embraced in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the City, shall first be submitted to the Planning and Zoning Commission and its recommendations obtained before approval by the City Council.

4. Public Improvement Recommendation. No plan for any street, park, parkway, boulevard, traffic-way, riverfront, or other public improvement affecting the City plan shall be finally approved by the City Council or the character or location thereof determined, unless such proposal shall first have been submitted to the Planning and Zoning Commission and the latter shall have had 30 days within which to file its recommendations thereon.

5. Appropriated Funds Authority. The City Council may annually appropriate a sum of money from the general fund for payment of the expense of the Commission. The Commission shall have full, complete, and exclusive authority to expend for and on behalf of the City all sums of money so appropriated. Gifts, donations, or payments that are received by the City, for City Planning and Zoning purposes shall be placed in such fund, to be used by the Commission in a manner appropriate for its purposes. The Commission shall have no power to contract debts or incur expenses in any year in excess of the amount of its income for said year.

6. Comprehensive Plan Preparation. For the purpose of making a comprehensive plan for the physical development of the City, the Planning and Zoning Commission shall make careful and comprehensive studies of present conditions and future growth of the City and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

7. Comprehensive Plan Adoption. Before adopting a comprehensive plan as referred to in the preceding paragraph, or any part of it, or any substantial amendment thereof, the Commission shall hold at least one public hearing thereon, notice of the time of which shall be given not less than four or more than 20 days before the date of hearing. The adoption of the plan or part or amendment thereof shall be by resolution of the Commission carried by the affirmative vote of not less than two-thirds of the members of the Commission. After adoption of said plan by the Commission, an attested copy thereof shall be certified to the City Council and the Council may approve the same, and when said plan or any modification or amendment thereto shall receive the approval of the Council, the said plan until subsequently modified or amended as herein before authorized shall constitute the official City plan.

8. Comprehensive Plan Amendment. When such comprehensive plan has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the Planning and Zoning Commission, for its recommendations. If the Commission disapproves the proposed change it may be adopted by the City Council only by the affirmative vote of at least three-fourths of the members of the said City Council.

9. Zoning Regulation and District Boundary Amendment. The City Council shall provide for the manner in which the regulations, restrictions, and boundaries shall be determined, established, and enforced, and from time to time amended, supplemented, changed, modified, or repealed. Such changes may be initiated by the City Council or by petition.

A. A property owner, lessee, developer or option holder may petition the City Council for an amendment in the text or to the district map of this Zoning Ordinance; provided, before any action shall be taken as provided in this section, the party or parties petitioning for amendment shall deposit with the City Clerk the sum of fifty dollars (\$50.00) to cover the approximate cost of this procedure; and under no condition shall said sum or any part thereof be refunded for failure of such proposed amendment to be enacted into law. A party shall not initiate action for a zoning amendment affecting the same land more often than once every 12 months.

B. The Planning and Zoning Commission, upon receiving a petition for change, shall prepare a preliminary report and hold a public hearing thereon before submitting its final report to the City Council. The Council shall make no amendment without first having received a final report on such amendment from the Commission and second, without having held a public hearing on such amendment. The notice of the time and place of the hearing shall be published in a newspaper of general circulation in the City of Tipton. Not less than 7 or more than 20 days' notice must be given and in no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice. The Commission may recommend to the City Council amendments, supplements, changes, or modifications to the Zoning Ordinance.

C. A written protest may be made against a change or repeal. The protest must be filed with the City Clerk and signed by the owners of 20 percent or more of the property which is located within 200 feet of the exterior boundaries of the property for which the change or repeal is proposed. The protest, if filed, must be filed before or at the public hearing. Such change or repeal shall not become effective except by the favorable vote of at least three-fourths of all the members of the City Council.

10. Other Powers. The Commission shall have such other powers and duties delegated to it by State law and/or by this Code of Ordinances.

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## CHAPTER 170

# LAND SUBDIVISION

170.01 Title and Purpose

170.02 Definitions

170.03 Jurisdiction and Procedure

170.04 Subdivision Design Standards

170.05 Preliminary Plat

170.06 Minimum Improvements Required

170.07 Final Plat

170.08 Performance, Payment and Maintenance Bond

170.09 Variations and Exceptions

170.10 Violation and Penalty

170.11 Changes and Amendments

**170.01 TITLE AND PURPOSE.** This chapter shall be known, referred to, and cited as “The Land Subdivision Ordinance of the City of Tipton, Iowa.” The purpose of this chapter is to promote the public health, safety, and general welfare of the community and these regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds, and other public requirements; to facilitate the further resubdivision of larger tracts into smaller parcels of land. These regulations are made with reasonable consideration, among other things, of the character of the City with a view of conserving the value of the buildings placed upon a land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the City.

**170.02 DEFINITIONS.** The following terms are defined as used in this chapter:

1. “Building line” means a line on a plat between which line and a street no building structure may be erected.
2. “Cul-de-sac” means a minor street with only one outlet and culminated by a turnaround.
3. “Extraterritorial plat approval jurisdiction” means the unincorporated area within two miles of the corporate limits of Tipton, Iowa.
4. “Minor street” means a street not designated as a major street in the Major Street Plan for Tipton, Iowa.
5. “Subdivision” means the division of land into three or more lots, or other division of land into parcels of ten acres or less in area, and the dedication of streets, ways, or other areas for the use of the public. This shall not apply to: (i) transfer of interests in land by will or pursuant to court order; (ii) leases for a term not to exceed ten years, mortgages, or easements; or (iii) the sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance or other applicable laws or ordinances.

**170.03 JURISDICTION AND PROCEDURE.** It is unlawful for any person being the owner, agent, or person having control of any land within the City and, pursuant to Section 354.9 of the *Code of Iowa*, the extraterritorial plat jurisdiction area to create a subdivision unless by a plat, in accordance with the regulations contained herein. Such plat shall be made by a registered land surveyor and shall first be submitted to the City Planning and Zoning

Commission for approval or disapproval. After report and recommendation of the Commission are made and filed, such plats shall be submitted to the City Council for its approval or disapproval. No plat shall be recorded and no lots shall be sold from such plat unless and until approved as herein provided. The design and layout of all subdivisions shall conform with the requirements of Section 170.04 hereof. The subdivider shall submit a preliminary plat in accordance with the specifications of Section 170.05 hereof. Following approval of the preliminary plat, the subdivider shall install the minimum improvements or furnish a bond or provide for an assessment guaranteeing such installations, in accordance with the requirements of Section 170.04 hereof. Upon approval of improvement, installations or arrangement therefor, the final plat shall be submitted in accordance with the provisions of Section 170.04 hereof. Section 354.9 of the *Code of Iowa* as it relates to Subdivisions is hereby specifically incorporated into this chapter, as to unincorporated land within two miles of the corporate limits of the City.

#### **170.04 SUBDIVISION DESIGN STANDARDS.**

1. Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided), insofar as they may be deemed necessary by the Planning and Zoning Commission for public requirements. The width of such streets in new subdivisions shall be not less than the minimum widths established herein. The street and alley arrangement shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Offset streets should be avoided. The angle of intersection between minor streets and major streets should not vary by more than ten degrees from a right angle. Streets obviously in alignment with existing streets shall bear the names of existing streets. All proposed street names shall be checked against duplication of other street names.
2. Street and Alley Widths.
  - A. The widths and locations of major streets shall conform to the widths and locations designated on the Major Street Plan.
  - B. The minimum width for minor streets shall be 60 feet. When streets adjoin unsubdivided property, a half street at least 30 feet in width may be dedicated, and whenever subdivided property adjoins a half street, the remainder of the street shall be dedicated.
  - C. Alleys are not recommended except under very unusual conditions in the residential block. When provided, a minimum width of 16 feet shall be required. Alleys are required in the rear of all business lots and shall be at least 20 feet wide. A five-foot cutoff shall be made at all acute angle alley intersections.
3. Easements. Easements of at least ten feet in width shall be provided on each side of all rear lot lines and alongside lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water or other mains. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities, or where both water and sewer lines are located in the same easement. No trees, shrubs, or structures shall be placed in any easement for utility or drainage purposes which would prevent the proper authorities from having access to and use of such easements at any time.

4. Blocks.
  - A. No residential block shall be less than 500 feet or longer than 1,000 feet between cross streets.
  - B. In platting residential lots containing less than 15,000 square feet, the depth of the block shall not exceed 300 feet.
  - C. Where a tract of land is of such size or location as to prevent a lot arrangement directly related to a normal street arrangement, there may be established one or more "places." Such place may be in the form of a court, dead-end street, or other arrangement; provided, however, proper access shall be given to all lots from a dedicated place (street or court). A dead-end street or place shall terminate in any open space (preferably circular) having a minimum radius of 50 feet. A dead-end street or place shall not exceed 500 feet in length.
5. Lots.
  - A. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.
  - B. All sidelines of lots shall be at right angles to straight street lines and radial to curved street lines, except where a variation to this rule will provide a better street and lot layout. Lots with double frontage shall be avoided.
  - C. The average minimum width of residential lots shall be 75 feet at the building lines. No lot shall have a depth in excess of three times its width. No lot shall have an area less than that required by the Zoning Ordinance.
  - D. Corner lots shall have extra width sufficient to permit the establishment of front building lines on both adjoining streets.
  - E. Lots on major street intersections and at all other acute angle intersections which, in the opinion of the Commission are likely to be dangerous to traffic movement, shall have a radius of 20 feet at the street corner. On business lots a chord may be substituted for the circular arc.
6. Building Lines. Building lines shall be shown on all lots intended for residential use of any character and on commercial or industrial lots immediately adjoining residential areas. Such building lines shall not be less than 25 feet or as required by any zoning or building line regulations applying to the property. Restrictions requiring buildings to be set back to such building lines shall be shown on the plat. Restrictions shall also be made and shown on or referred to on the plat, requiring all residential buildings to be set not less than 25 feet from rear lot lines, and requiring side yards totaling a combined minimum width of 16 feet and requiring a minimum width of 7 feet for the narrower of the two side yards. A side yard shall be measured from the lot line to the siding of the house. An overhang of 2 feet shall be allowed, but any overhang in excess of 2 feet shall be added to the side yard requirement.
7. Character of Development. The Planning and Zoning Commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision and may agree with the subdivider as to certain minimum restrictions to be placed upon the property to prevent the construction of substandard building, control the type of structures or the use of the land which,

unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property. Deed restrictions or covenants should be included to provide for the creation of a property owners' association or board of trustees for the proper protection and maintenance of tile development in the future; provided, however, such deed restrictions or covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation thereof of the terms of the restrictions or covenants. Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees, or other physical facilities necessary or desirable for the welfare of the area, and which are of common use or benefit and are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made by trust agreement, made a part of the deed restrictions acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of such facilities.

8. Parks, School Sites, and Other Common Areas. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to conform to any recommendations of the City plan. Any provision for schools, parks and playgrounds should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate taxing agency.

9. Easements Along Streams. Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream or drainage course.

#### **170.05 PRELIMINARY PLAT.**

1. Whenever any person desires to subdivide land into building lots or to dedicate streets, alleys, or land for public use within the City, said person shall submit three copies of the preliminary sketch plat conforming to the requirements of Section 170.04 to the Planning and Zoning Commission before submission of the final plat. Plats containing three lots or less may be exempted from the provisions of this section.

2. The preliminary plat shall show:

A. The location of present property lines, streets, buildings, watercourses, tree masses, and other existing features within the area to be subdivided and similar information regarding existing conditions of land immediately adjacent thereto.

B. The proposed location and width of streets, alleys, lots, building and setback lines and easements.

C. Existing sanitary and storm sewers, water mains, culverts, and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat.

D. The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract.

E. The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land.

- F. Contours referred to the City of Tipton's benchmark with intervals sufficient to determine the character and topography of the land to be subdivided, but in no case shall the intervals be more than five feet.
  - G. North point, scale and date.
  - H. Grades and profiles of streets and plans, or written and signed statements regarding the grades of proposed streets, and the width and type of pavement; location, size, and type of sanitary sewer, or other sewage disposal facilities; water mains and other utilities, facilities for storm water drainage; and other proposed improvements such as sidewalks, planting and parks, and any grading of individual lots.
- 3. Preliminary plats that do not contain all of the above information will not be approved.
  - 4. After the preliminary plat has been approved or disapproved by the City Planning and Zoning Commission, it shall be submitted to the City Council for its approval or disapproval. Approval of the preliminary plat by the City Council does not constitute an acceptance or approval of the subdivision plat. One copy of the approved plat, signed by the Mayor, shall be retained in the office of the Mayor. One signed copy will be given to the subdivider.

**170.06 MINIMUM IMPROVEMENTS REQUIRED.** Receipt of the signed copy of the preliminary plat is authorization for the subdivider to proceed with the preparation of the plans and specifications for the following minimum improvements and with the preparation of the final plat. Prior to the construction of any improvements required or to the submission of a bond in lieu thereof, or to the provisions for any assessment for such construction, the subdivider shall furnish the City Coordinator all plans, information and data necessary to determine the character of said improvements. These plans shall be examined by the City Coordinator and will be approved if in accordance with the requirements of this section. Following this approval, construction can be started or the amount of bond determined, or an assessment provided for. No final or official plat of any subdivision shall be approved unless: (i) the subdivider agrees with the City Council upon an assessment whereby the City is put in an assured position to install the improvements listed below in subsection 1 through 5 at the cost of the owners of property within the subdivision; or (ii) the improvements listed below in subsections 1 through 5 have been installed prior to such approval; or (iii) the subdivider files with the City Council a surety bond, cashier's check or a certified check upon a solvent bank located in the City, conditioned to secure the construction of the improvements listed below in subsection 1 through 5 in a satisfactory manner and within a period specified by the City Council, such period not to exceed two years. No such bond or check shall be accepted unless it is enforceable by or payable to the City in a sum at least equal to the cost of constructing the improvements as estimated by the City Coordinator, and in form with surety and conditions approved by the City Attorney. The owner of a tract may prepare and secure approval of a preliminary subdivision plan of an entire area and may install the above improvements only in a portion of such area, but the improvements must be installed in any portion of the area for which a final plat is approved for recording; provided, however, trunk sewers and any sewage treatment plants shall be designed and built in such a manner that they can easily be expanded or extended to serve the entire area.

- 1. Permanent Markers. All subdivision boundary corners and the four corners of all street intersections shall be marked with permanent monuments. A permanent monument shall be deemed to be concrete with a minimum dimension of four inches

extending below the frost line, or steel pipe of at least one-inch diameter firmly imbedded in concrete, which extends below the frost line. Should conditions prohibit the placing of monuments on the line, offset marking will be permitted, provided, however, that exact offset courses and distances are shown on the subdivision plat. A permanent benchmark shall be accessibly placed and accurately noted on the subdivision plat, the elevation of such benchmark to be based on the City of Tipton datum.

2. Street Improvements. All street and public ways shall be graded to their full width, including side slopes, and to the appropriate grade, and shall be surfaced in accordance with applicable standard specifications of the City. Such construction shall be subject of inspection and approval by the City Engineer.

3. Water Lines.

A. Each lot within the subdivided area shall be provided with a connection to approved public water supply where reasonably accessible.

B. Fire hydrants shall be installed in subdivisions.

4. Sanitary Sewers. Each lot within the subdivided area shall be provided with a connection to a public sanitary sewer where reasonably accessible. All connections and the subdivision sewer system shall comply with regulations of the State Department of Health and shall be approved by the City Engineer. When a public sewer system is not accessible, proper provisions shall be made for the disposal of sanitary wastes as approved by the State Department of Health.

5. Drainage. All necessary facilities shall be installed sufficient to prevent the collection of surface water in any low spot, and to maintain any natural watercourse. Drainage facilities satisfactory to the City Coordinator shall be provided for the ends of all culs-de-sac and dead-end streets.

6. Sidewalks. Whenever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with sidewalks, the City Council shall require connecting sidewalks on both sides of the street which are extensions of the streets having the sidewalks. Sidewalks shall be provided on all arterial and feeder streets and may be required on other streets at the discretion of the Planning and Zoning Commission.

#### **170.07 FINAL PLAT.**

1. The final plat on tracing cloth and five prints thereof, together with copies of any deed restrictions where such restrictions are too lengthy to be shown on the plat, shall be submitted to the City Council. The final plat is to be drawn at a scale of not more than 100 feet to the inch from an accurate survey and on one or more sheets whose maximum dimensions are 18 inches by 24 inches. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the areas shown on other streets.

2. The final plat shall show:

A. The boundary lines of the area being subdivided with accurate distances and bearings.

B. The lines of all proposed streets and alleys with their widths and names.

- C. The accurate outline of any portions of the property intended to be dedicated or granted for public use.
- D. The line of departure of one street from another.
- E. The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names.
- F. All lot lines together with an identification system for all lots and blocks.
- G. The location of all building lines and easements provided for public use, services or utilities.
- H. All dimensions, linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and any other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.
- I. The radii, arcs, chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
- J. The location of all survey monuments and benchmarks together with their descriptions.
- K. The name of the subdivision, a small sketch showing its general location, and the scale of the plat, points of the compass, and name of owner or owners or subdivider.
- L. The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown.
- M. Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.
- N. Acknowledgement of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.
- O. Affidavits and certificates of approval for endorsements by the City Council.

**170.08 PERFORMANCE, PAYMENT, AND MAINTENANCE BOND.** General contractors, of subdivision developers, in the City shall be required to execute a Performance, Payment, and Maintenance Bond Form prior to the contractor beginning any infrastructure improvements necessary to the development of the subdivision.

**170.09 VARIATIONS AND EXCEPTIONS.** Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties or substantial hardship or injustice, the City Council, after report by the City Planning and Zoning Commission, may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner, but so that, at the same time, the public welfare and interests of the City are protected and the general intent and spirit of these regulations preserved.

**170.10 VIOLATION AND PENALTY.** Whoever knowingly transfers or sells by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by the City Council, shall forfeit and pay the penalty of not more than \$100.00 for each lot so transferred or sold or agreed or negotiated to be sold, and a description by metes and bounds shall not exempt the transaction from such penalties. A contract of sale requiring conformity with this.

**170.11 CHANGES AND AMENDMENTS.** Any regulations or provisions of this chapter may be changed and amended from time to time by the City Council, provided, however, that such changes or amendments shall not become effective until after a study and report by the City Planning and Zoning Commission and until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation at least 15 days prior to such hearing.



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