

CODE OF ORDINANCES
OF THE
CITY OF
LAMONI, IOWA

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**CODE OF ORDINANCES
OF THE
CITY OF LAMONI, IOWA**

Adopted December 8, 2016, by Ordinance No. 221

SUPPLEMENT RECORD

SUPPLEMENT		ORDINANCES AMENDING CODE		
Supp. No.	Repeals, Amends or Adds	Ord. No.	Date	Subject
Oct-18	17.06	222	8-24-17	Council Compensation
	63.04(3)(D)	223	10-26-17	Special Speed Zone
	63.04(1)(E)	224	10-26-17	Special Speed Zone
	41.18	225	11-9-17	Encumbrances to Electric Equipment
	165.11; 165.13	226	12-28-17	R-1 Zoning District
	Ch. 167	227	1-25-18	Land Use & Height Overlay Zoning
	166.15	228	1-25-18	Airport Zoning Officer
	Ch. 160	229	1-25-18	Flood Plain Regulations
	70.03	230	2-22-18	Parking Violations
	155.06	231	5-10-18	Building Permit Fees
	62.07	232	6-28-18	Jake Brakes
	47.06	233	7-12-18	Fish
	Ch. 77	234	9-11-18	UTVs
Dec-20	Ch. 165	235	11-8-18	Rezoning Property to M-4
	110.10	236	2-28-19	Natural Gas Recipients
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CITY OF LAMONI, IOWA**

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CHAPTER 1

CODE OF ORDINANCES

1.01 Title	1.08 Amendments
1.02 Definitions	1.09 Catchlines and Notes
1.03 City Powers	1.10 Altering Code
1.04 Indemnity	1.11 Severability
1.05 Personal Injuries	1.12 Warrants
1.06 Rules of Construction	1.13 General Standards for Action
1.07 Extension of Authority	1.14 Standard Penalty

1.01 TITLE. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Lamoni, 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 Lamoni, Iowa.
3. “Clerk” means the city clerk of Lamoni, 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 Lamoni, Iowa.
6. “Council” means the city council of Lamoni, Iowa.
7. “County” means Decatur 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 Lamoni, 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 which amend, repeal or in any manner affect this Code of Ordinances shall include proper reference to chapter, section, subsection or paragraph to maintain an orderly codification of ordinances of the City.

(Code of Iowa, Sec. 380.2)

1.09 CATCHLINES AND NOTES. The catchlines of the several sections of the 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 the Code of Ordinances, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

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

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

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 \$105.00 but not to exceed \$855.00.[†]

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

(Ord. 248 – Dec. 20 Supp.)

[The next page is 9]

[†] **EDITOR'S NOTE:** For civil penalty for violations of this Code of Ordinances, see Chapter 4.

CHAPTER 2

CHARTER

2.01 Title

2.02 Form of Government

2.03 Powers and Duties of City Officers

2.04 Number and Term of Council

2.05 Term of Mayor

2.06 Copies on File

2.01 TITLE. This chapter may be cited as the charter of the City of Lamoni, Iowa.[†]

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

(Code of Iowa, Sec. 372.4)

2.03 POWERS AND DUTIES 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.

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

[†] **EDITOR'S NOTE:** Ordinance No. 212 adopting a charter for the City was passed and approved by the Council in 1975. The terms of Council Members were extended to four years pursuant to an election held November 5, 1991.

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CHAPTER 3

BOUNDARIES

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

A tract of land 300 feet by 150 feet in the Southwest Quarter of the Southwest Quarter of Section 6, Township 67 North, Range 26 West of the 5th P.M., beginning 1,070 feet west of the Southeast Corner of said tract, lying east of the Airport Access Road, AND

Parcel "F" in the Southwest Quarter of the Southwest Quarter (SW¹/₄ SW¹/₄) of Section 6, Township Sixty-seven (67) North, Range Twenty-six (26) West of the 5th P.M., Decatur County, Iowa, more particularly described as follows: Commencing at an "X" found cut in concrete for the southwest corner of said Section 6, thence north 90°00'00" east for 219.00 feet along the south line of said Southwest Quarter to the east line of the City of Lamoni Airport Access Road, thence north 00°00'58" west for 80.00 feet along said City of Lamoni Airport Access Road to the north line of Highway 69 right-of-way to a ½-inch rebar with cap set, thence north 00°00'58" west for 276.50 feet along said Airport Road to a 5/8-inch rebar with cap found, thence north 90°00'00" east for 131.95 feet to a ½-inch rebar set, thence south 01°22'53" west for 276.58 feet to a ½-inch rebar with cap set on the North Highway right-of-way line, thence south 90°00'00" east for 125.27 feet along said north side of Highway right-of-way to the true point of beginning.

Commencing 920 feet west of the centerline of County Road and 356.5 feet north of the centerline of Highway 69 to point of beginning, thence east 400 feet, north 150 feet, west 400 feet, south 150 feet to point of beginning, all in the Southwest Quarter of the Southwest Quarter (SW¹/₄ SW¹/₄) of Section 6, Township 67 North, Range 26 West of the 5th P.M., lying north of public highway, AND

The north 56.5 feet of the south 356.5 feet of the west 360 feet of the east 920 feet of the Southwest Quarter of the Southwest Quarter (SW¹/₄ SW¹/₄) of Section 6, Township 67 North, Range 26 West of the 5th P.M., subject to unrecorded utility easements, AND

The south 300 feet of the west 360 feet of the east 920 feet of the Southwest Quarter of the Southwest Quarter (SW¹/₄ SW¹/₄) of Section 6, Township 67 North, Range 26 West of the 5th P.M., less the south 80 feet for road.

The west 200 feet of the east 560 feet of the south 290 feet of the Southwest Quarter of the Southwest Quarter (SW¹/₄ SW¹/₄) of Section 6, Township 67 North, Range 26 West of the 5th P.M., AND

1.88 acres located in the Southwest Quarter of the Southwest Quarter (SW¹/₄ SW¹/₄) of Section 6, Township 67 North, Range 26 West of the 5th P.M., AND

Lot "A" (also referred. to as Parcel "A") located in the Southwest Quarter of the Southwest Quarter (SW¹/₄ SW¹/₄) of Section 6, Township 67 North, Range 26 West of the 5th P.M.

A tract of land 150 feet by 290 feet described as the west 150 feet of the east 360 feet of the south 290 feet of the Southwest Quarter of the Southwest Quarter (SW¹/₄ SW¹/₄) of Section 6, Township 67 North, Range 26 West of the 5th P.M.

Part of Lot "E" (also referred to as Parcel "E") located in the Northwest Quarter of the Southwest Quarter of Section 6, Township 67 North, Range 26 West of the 5th P.M., AND

Lots B, C and part of Lot E (also referred to Parcel "B", Parcel "C" and Parcel "E") located in the Southwest Quarter of the Southwest Quarter (SW¹/₄ SW¹/₄) of Section 6, Township 67 North, Range 26 West of the 5th P.M.

Commencing at a point on the west line of the Southwest Quarter (SW¹/₄) of Section 12, Township 67 North, Range 27 West of the 5th P.M., Decatur County, Iowa, which point is 457.14 feet south of the west quarter corner (point of beginning), thence south along the west line of said Section 12 for 776 feet, thence due east for 569.96 feet, thence north 00°23'24" west for 776.01 feet, thence due west 564.65 feet to the point of beginning, subject to a 40-foot easement along the west side for road purposes; and including

All that portion of real property described in a Plat of Survey dated September 11, 2012, and filed for record in the Decatur County Recorder's Office on September 14, 2012, in Book 2012 at page 1262, and more particularly described as follows:

Parcel F of Section 12, Township 67 North, Range 27 West, Decatur County, Iowa, said parcel being more particularly described as follows:

Commencing at the southwest corner of Section 12, Township 67 North, Range 27 West, Decatur County, Iowa; thence with the south line of the Southwest Quarter of said section, south 89°31'02" east 558.73 feet; thence departing said line, north 00°34'33" east 909.68 feet to the southeast corner of Goff Ridge Development as recorded in Book 2003, Page 311 in the Office of the Decatur County Recorder of Deeds; thence with the east line of said tract, north 00°21'40" east 186.15 feet the point of beginning; thence continuing with said line, north 00°27'15" east 320.18 feet to the northeast corner of said development; thence with the east line of Exception No. 2 as described in Deed Book 489, Page 563, North 00°21'02" west 776.17 feet; thence with the east line of Exception No. 1 as described in Deed Book 409, Page 563, North 00°33'08" east 540.25 feet to the centerline of the abandoned Burlington Northern Railroad Company St. Joseph, Missouri, to Humeston, Iowa, branch line; thence with said centerline the following courses and distances: South 62°07'39" east 226.15 feet, thence 878.99 feet by arc distance along a curve to the left having a radius of 1,909.86 feet and a chord bearing south 75°18'44" east 871.25 feet; thence 560.00 feet by arc distance along a curve to the left having a radius of 3,819.72 feet and a chord bearing north 87°54'18" east 559.50 feet; thence north 83°06'21" east 1,371.25 feet; thence departing said centerline, south 00°02'06" west 1,615.83 feet; thence north 88°12'02" west 1,078.87 feet; thence north 78°38'43" west 33.03 feet; thence north 87°31'08" west 1,497.12 feet; thence north 87°29'55" west 359.06 feet to the point of beginning, containing 99.51 acres, more or less, and including:

Parcel H of Section 12, Township 67 North, Range 27 West, Decatur County, Iowa, said parcel being more particularly described as follows:

Commencing at the northwest corner of Section 12, Township 67 North, Range 27 West, Decatur County, Iowa; thence with the west line of the Northwest Quarter of said section, south 00°03'22" west 100.00 feet to the south right-of-way line of U.S. Highway 69; thence with said right-of-way line the following courses and distances: south 89°36'38" east 34.27 feet to Station 304+06.2/100 feet right; thence north 70°51'03" east 151.27 feet to Station 305+50/50 feet right; thence south 89°27'23" east 200.36 feet to Station 307+50/50 feet right; thence south 79°44'23" east 354.89 feet to Station 311+00/110 feet right; thence south 89°31'35" east 1,300.17 feet to Station 324+00/110 feet right; thence south 88°34'17" east 600.08 feet to Station 330+00/120 feet right; thence south 86°08'40" east 501.02 feet to Station 335+00/150 feet right; thence north 80°38'32" east 38.65 feet to the northwest corner of a tract of land recorded in Survey Record Book B, Page 138 in the Office of the Decatur County Recorder of Deeds; thence with the westerly boundary of said parcel the following courses and distances: south 38°58'41" east 407.44 feet; thence south 09°36'55" east 240.55 feet; thence south 30°04'11" east 536.41 feet; thence south 35°35'04" east 389.68 feet; thence south 00°03'15" east 1,147.65 feet to the centerline of the abandoned Burlington Northern Railroad Company St. Joseph, Missouri, to Humeston, Iowa, branch line; thence with said centerline the following courses and distances: south 83°06'21" west 1,802.07 feet; thence 560.00 feet by arc distance along a curve to the right having a radius of 3,819.72 feet and a chord bearing south 87°54'18" west 559.50 feet; thence 878.99 feet by arc distance along a curve to the right having a radius of 1,909.86 feet and a chord bearing north 75°18'44" west 871.25 feet; thence north 62°07'39" west 869.96 feet to the west line of the Northwest Quarter of said Section 12; thence with said line, north 00°03'22" east 2,160.48 feet to the point of beginning, containing 224.14 acres, more or less, of which 1.71 acres fall within the right-of-way of South Smith Street; and including:

Parcel G of Section 12, Township 67 North, Range 27 West, Decatur County, Iowa, said parcel being more particularly described as follows:

Commencing at the southwest corner of Section 12, Township 67 North, Range 27 West, Decatur County, Iowa; thence with the south line of the Southwest Quarter of said section, south 89°31'02" east 558.73 feet to the point of beginning, said point being the southeast corner of Exception No. 3 as described in Deed Book 409, Page 563 in the Office of the Decatur County Recorder of Deeds; thence with the east line of said Exception, north 00°34'33" east 909.68 feet to the southeast corner of Golf Ridge Development and recorded in Book 2003, Page 311 in said Recorder's Office; thence with the east line of said development, north 00°21'40" east 186.15 feet; thence departing said line, south 87°29'55" east 359.06 feet; thence south 00°44'39" west 1,083.20 feet to the south line of the Southwest Quarter of said section; thence with said line, north 89°31'02" west 354.98 feet to the point of beginning, containing 8.92 acres, more or less, of which 0.32 acres falls within the right-of-way of 300th Street; however, excluded from this description is a portion of said parcel beginning 1.00 foot north of the point of beginning, thence east 354.98 feet, thence south 1.00 foot, thence west 354.98 feet, thence

north 2.00 feet, such that the territory to be annexed does not include a common boundary with a County secondary road; and excluding:

Parcel A and Parcel E of Plat of Survey dated September 11, 2012, and filed for record in the Decatur County Recorder's Office on September 14, 2012, in Book 2012 at page 1262.

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CHAPTER 4

MUNICIPAL INFRACTIONS

4.01 Municipal Infraction
4.02 Environmental Violation
4.03 Penalties

4.04 Civil Citations
4.05 Alternative Relief
4.06 Alternative Penalties

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

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

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

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

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

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

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

1. Standard Civil Penalties.
 - A. First offense – not to exceed \$750.00
 - 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.

[†] **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 24 hours from the time that the violation begins.
- (3) The violation does not continue in existence for more than eight hours.

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

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

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

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

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

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

4.06 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 Duties: General
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 being certified as elected but not later than noon of the first day which is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected.

(Code of Iowa, Sec. 63.1)

2. Prescribed Oath. The prescribed oath is: "I, (name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Lamoni 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 DUTIES: GENERAL. Each municipal officer shall exercise the powers and perform the duties prescribed by law and this Code of Ordinances, or as otherwise directed by the Council unless contrary to State law or City charter.

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

5.04 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to 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 which 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 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 \$2,500.00 in a fiscal year.

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

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 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 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

6.01 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 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])

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CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose

7.02 Finance Officer

7.03 Cash Control

7.04 Fund Control

7.05 Operating Budget Preparation

7.06 Budget Amendments

7.07 Accounting

7.08 Financial Reports

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

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

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

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

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

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

3. Petty Cash Fund. The finance officer shall be custodian of a petty cash fund for the payment of small claims for minor purchases, collect-on-delivery transportation charges and small fees customarily paid at the time of rendering a service, for which payments the finance officer shall obtain some form of receipt or bill acknowledged as paid by the vendor or agent. At such time as the petty cash fund is approaching depletion, the finance officer shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the Council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

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

1. Revenues. All 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 months; and

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

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

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

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

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

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

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

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

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 10 nor

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

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

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

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

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

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

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

3. Checks. Checks shall be prenumbered and signed by the 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 finance 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)

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

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

8.04 AMOUNTS ELIGIBLE FOR EXEMPTION. The amount of actual value added, (being defined as the cost of the said new construction) is eligible to be exempt from taxation shall be as follows:

(Code of Iowa, Sec. 404.3 and 427B.3)

1. For the first year, 80 percent.
2. For the second year, 70 percent.
3. For the third year, 65 percent.
4. For the fourth year, 50 percent.
5. For the fifth year, 40 percent.
6. For the sixth year, 40 percent.
7. For the seventh year, 30 percent.
8. For the eighth year, 30 percent.
9. For the ninth year, 20 percent.
10. For the tenth year, 20 percent.

(Section 8.04 – Ord. 250 – Dec. 20 Supp.)

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 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)

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CHAPTER 9
URBAN RENEWAL

EDITOR'S NOTE		
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.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
65	December 1, 1993	Lamoni Urban Renewal Area
71	December 29, 1994	Urban Renewal Area II
91	June 12, 1997	Lamoni Urban Renewal Area No. 2
117	September 10, 2001	2001 Addition to Lamoni Urban Renewal Area No. 2

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CHAPTER 10

URBAN REVITALIZATION

EDITOR'S NOTE

The following ordinances not codified herein, and specifically saved from repeal, have been adopted designating Urban Revitalization Areas in the City and remain in full force and effect.

ORDINANCE NO.	ADOPTED	NAME OF AREA
133	January 9, 2003	Urban Revitalization District

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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 two 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 Administrator, 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 which have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.

10. Nuisances. Issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable.

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

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

(Code of Iowa, Sec. 372.4)

1. Police Chief
2. Zoning Officer
3. Fire Chief
4. Library Board of Trustees
5. Mayor's Youth Council and Advisor
6. General Manager of Municipal Utilities
7. Parks and Trails Commission
8. Pool and Recreation Commission

15.04 COMPENSATION. The salary of the Mayor is \$300.00 per month, 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 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 five Council members elected at large 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 which may be specially assessed.

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

4. Public Improvements. The Council shall make all orders for the 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 \$100,000.00 on a public improvement project, or to accept public improvements and facilities upon their completion. Each Council member's vote on a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

(Code of Iowa, Sec. 380.4)

2. Overriding Mayor's Veto. Within 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 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 time and place of the regular meetings of the Council shall be fixed by resolution of the Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council.
(Code of Iowa, Sec. 372.13[5])
3. Quorum. A majority of all Council members is a quorum.
(Code of Iowa, Sec. 372.13[1])
4. Rules of Procedure. The Council shall determine its own rules and maintain records of its proceedings.
(Code of Iowa, Sec. 372.13[5])
5. Compelling Attendance. Any three 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 Administrator
2. City Attorney
3. Zoning Board of Adjustment
4. Planning and Zoning Commission
5. Airport Commission
6. Airport Zoning Board of Adjustment
7. LMU General Manager
8. LMU Office Manager

17.06 COMPENSATION. The salary of each Council member from and after January 1, 2018, shall be the sum of \$50.00 per meeting. *(Ord. 222 – Oct. 18 Supp.)*
(Code of Iowa, Sec. 372.13[8])

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CHAPTER 18

CITY CLERK

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

18.01 APPOINTMENT AND COMPENSATION. The City Administrator is ex officio City Clerk and has the duties, powers and functions prescribed in this chapter, by State law and other ordinances of the City.

(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 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 nor more than 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 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 11 years following the final maturity of the bonds or obligations. Ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to real property transactions shall be maintained permanently.

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

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

(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 which it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which are the words "OUR LIBERTIES WE PRIZE AND OUR RIGHTS WE WILL MAINTAIN" and around the margin of which are the words "CORPORATE SEAL OF LAMONI, IOWA."

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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 for a term of two years. The City Attorney shall receive such compensation as established by resolution of the Council.

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

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

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

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

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

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

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

20.05 REVIEW AND COMMENT. The City Attorney shall, upon request, make a report to the Council 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 Mayor, Council or City Administrator.

(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 which may be required for the use of the City.

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

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CHAPTER 21

CITY ADMINISTRATOR

21.01 Appointment

21.02 Powers and Duties

21.03 Compensation

21.04 Responsible to Council

21.05 Interference by Council Members

21.06 Coordination of Departments

21.07 Overruling Action by Department Heads

21.01 APPOINTMENT. The Council shall appoint by majority vote a City Administrator to serve at the discretion of the Council.

21.02 POWERS AND DUTIES. The powers and duties of the City Administrator include:

1. Administration of City policies as established by the Council.
2. Continuous study of the City government's operating procedures, organization and facilities and recommendation of fiscal and other policies to the Mayor and Council whenever necessary.
3. Preparation and administration of the City's annual operating budget.
4. Supervision of City's administrative policies and procedures including personnel and purchasing. The City Administrator is the purchasing agent for the City, and all purchases amounting to less than \$1,000.00 shall be made under the Administrator's direction and supervision, and all such purchases shall be made in accordance with purchasing rules and procedures approved by the Council.
5. Keeping the Mayor and Council informed on the progress of the City's programs and the status of its policies.
6. Coordination and direction of all City services provided through the various departments.
7. Recommending appointment and removal of City employees in accordance with Council policies and ordinances.
8. Studying possible joint administrative arrangements with independent boards and commissions such as the Library Board of Trustees, Parks and Trails Commission, Pool and Recreation Commission, Planning and Zoning Commission, Airport Commission, and the Community Center Director and make recommendations for such arrangements as are mutually acceptable.
9. Supervising enforcement and execution of this Code of Ordinances.
10. Attending all meetings of the Council unless excused by the Mayor.
11. Recommending to the Council such measures as may be deemed necessary or expedient for good government and welfare of the City.
12. Supervising the performance of all contracts for work to be done for the City, making all purchases of materials and supplies, and seeing that such materials and supplies are received and are of the quality and character called for by the contract.
13. Administering oaths of office.

14. Supervising the construction, improvement, repair, maintenance and management of all City property, capital improvements and undertakings of the City, including the preservation of all surveys, maps, plans, drawings, specifications and estimates for capital improvements, except property, capital improvements and undertakings managed by the Department of City Utilities.

15. Cooperating with any administrative agency or board.

16. Being responsible for the streets, alleys and public places and the collection and disposal of wastes.

17. Conducting business affairs of the City and causing accurate records to be kept by modern and efficient accounting methods.

18. Performing such other duties as may hereafter be directed by the Council.

21.03 COMPENSATION. The compensation of the City Administrator shall be such amount as may from time to time be fixed by the Council by resolution.

21.04 RESPONSIBLE TO COUNCIL. The City Administrator is directly responsible to the Council for the administration of municipal affairs as set forth herein. All employees and appointees of the City shall report and be responsible to the City Administrator. All departmental activity requiring the attention of the Council shall be brought before that body by the City Administrator and all Council policy concerning administration shall be coordinated through the City Administrator. This policy does not abrogate the right of any employee to address the Council on any matter of interest to the public or the employee personally. All department heads are encouraged to attend regular Council meetings and be prepared to address City issues with the Council, as may become necessary during the meeting. If a City employee or appointee desires to address the Council on a matter, said employee or appointee shall provide the City Administrator a sufficient description of the nature of the item requiring Council action in time to allow said City Administrator to include it on the agenda and to provide the Council with the necessary information to adequately address the item. At no time shall the duties or powers of the City Administrator supersede action by the Mayor and/or Council.

21.05 INTERFERENCE BY COUNCIL MEMBERS. No members of the Council shall directly interfere with the conduct of any department or duties of employees subordinate to the City Administrator except at the express direction of the Council or with the approval of the City Administrator.

21.06 COORDINATION OF DEPARTMENTS. The City Administrator has the power to coordinate the work of all the departments of the City and, except for a "disaster," as defined in Chapter 29C of the *Code of Iowa* and upon approval by the Mayor, has the authority to assign the employees of the City to any department where they are needed for the most effective discharge of the functions of City government.

21.07 OVERRULING ACTION BY DEPARTMENT HEADS. For good cause, the City Administrator has the power to overrule any action taken by any department and/or department head. The City Administrator may, upon approval by the Mayor, supersede any department head in the functions of the office. In the event the City Administrator overrules a department action and/or a department head, he/she shall immediately set out the "good cause" requiring said action to be overruled. In the event the City Administrator, upon approval of the Mayor, supersedes any department head in the functions of his/her office, the

City Administrator shall immediately set out the “good cause” in writing, which required the assumption of said duties. It is the intent of the City that such action be taken only in extreme cases in which either a statute is being violated or such action is being taken to protect the financial integrity of the City.

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CHAPTER 22

GENERAL MANAGER OF MUNICIPAL UTILITIES

22.01 Definition

22.02 Department of City Utilities

22.03 Office of General Manager

22.04 Duties of General Manager

22.05 Compensation

22.01 DEFINITION. As used herein, “municipal utilities” means the service of the following to a customer, including all instrumentalities of service: electric, gas, water, and sewer.

22.02 DEPARTMENT OF CITY UTILITIES. All municipal utilities are governed jointly by the City as a Department of the City and designated the “Lamoni Municipal Utilities.” Separate accounting may be maintained for each utility.

22.03 OFFICE OF GENERAL MANAGER. The office of General Manager of the Lamoni Municipal Utilities is hereby established.

22.04 DUTIES OF GENERAL MANAGER. The General Manager shall serve under the direction of the Mayor and/or City Clerk/Administrator, and shall have the following duties:

1. Be responsible for the supervision, operation and management of all City utilities.
2. Supervise or cause to be supervised all installation of any City utility in accordance with the laws of the State or this Code of Ordinances.
3. Keep a continuous, up-to-date inventory of all goods and services and keep all records ordered to be kept by the Mayor, City Administrator, and Council, in addition to all records required to be kept by the laws of the State and this Code of Ordinances.
4. At the close of every year (or sooner if required by law or the Council), compile a written annual report of the activities and general condition of the utilities of the City. This report shall contain a statement of the general progress and accomplishments of the plants and systems for the year covered in the report and a statement of free services rendered to the City during the year and their estimated cash value, divided into the two categories of City governance and community service.

The signatures of the Mayor and General Manager shall be required for any contract pertaining to utilities to be binding on the City.

22.05 COMPENSATION. Compensation of the General Manager shall be in such amount as may from time to time be fixed by the Council.

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CHAPTER 23

LIBRARY BOARD OF TRUSTEES

23.01 Public Library	23.07 Nonresident Use
23.02 Library Trustees	23.08 Expenditures
23.03 Qualifications of Trustees	23.09 Annual Report
23.04 Organization of the Board	23.10 Injury to Books or Property
23.05 Powers and Duties	23.11 Theft
23.06 Contracting with Other Libraries	23.12 Notice Posted

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

23.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of five members, one of whom may be a nonresident member. 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.

23.03 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. Members shall be over the age of 18 years.

23.04 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 County or into the City. The position of any Trustee shall be deemed vacated if such member is absent from six 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.

23.05 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. The City Treasurer shall serve as Board Treasurer, but shall not be a member of the Board.

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, that 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.

23.06 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 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 40 days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party seeking to terminate the contract.

23.07 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.

23.08 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)

23.09 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.

23.10 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)

23.11 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)

23.12 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)

CHAPTER 24

PLANNING AND ZONING COMMISSION

24.01 Planning and Zoning Commission
24.02 Term of Office
24.03 Vacancies

24.04 Compensation
24.05 Powers and Duties

24.01 PLANNING AND ZONING COMMISSION. The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of nine members, seven of whom shall be appointed by the Council, and two shall be appointed by the County Board of Supervisors. The seven members appointed by the Council shall be residents of the City and shall not hold any elective office in the City government. The two members appointed by the County Board of Supervisors shall include a member of the County Board of Supervisors, or the Board's designee, and a resident of the area outside the City limits over which City zoning jurisdiction is extended. The Board's designee, if any, shall be a resident of the County in which such extended area is located. If a Commissioner misses five consecutive regular meetings of the Commission, or if the Commissioner ceases to be a resident of the City, or in the case of a Board designee, the County, the office shall be declared vacant by the Chairperson of the Commission by filing a written statement with the City Clerk setting forth the fact of said vacancy and the reason therefor.

(Code of Iowa, Sec. 414.6 & 392.1)

24.02 TERM OF OFFICE. The term of office of the members of the Commission shall be five years. The terms of not more than one-third of the members will expire in any one year.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

1. Selection of Officers. The Commission shall choose annually at its first regular meeting one of its members to act as Chairperson and another as Vice Chairperson, who shall perform all the duties of the Chairperson during the Chairperson's absence or disability. If the Commission is unable to select officers at the first meeting, the Mayor shall select a member of the Commission to serve as Acting Chairperson until the Commission can meet to select officers.

(Code of Iowa, Sec. 392.1)

2. Adopt Rules and Regulations. The Commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

(Code of Iowa, Sec. 392.1)

3. Zoning. The Commission shall have and exercise all the powers and duties and privileges in establishing the City zoning regulations and other related matters and may from time to time recommend to the Council amendments, supplements, changes or modifications, all as provided by Chapter 414 of the *Code of Iowa*.

(Code of Iowa, Sec. 414.6)

4. Recommendations on Improvements. The design and proposed location of public improvements shall be submitted to the Commission for its recommendations prior to any actions being taken by the City for the construction or placement of such improvements. Such requirements and recommendations shall not act as a stay upon action for any such improvement if the Commission, after 30 days' written notice requesting such recommendations, has failed to file the same.

(Code of Iowa, Sec. 392.1)

5. Review and Comment on Plats. All plans, plats, or re-plats of subdivisions or re-subdivisions of land in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the City, shall first be submitted to the Commission and its recommendations obtained before approval by the Council.

(Code of Iowa, Sec. 392.1)

6. Fiscal Responsibilities. The Commission shall have full, complete, and exclusive authority to expend, for and on behalf of the City, all sums of money appropriated to it and to use and expend all gifts, donations, or payments that are received by the City for City planning and zoning purposes.

(Code of Iowa, Sec. 392.1)

7. Limitation on Entering Contracts. The Commission shall have no power to contract debts beyond the amount of its original or amended appropriation as approved by the Council for the present year.

(Code of Iowa, Sec. 392.1)

8. Annual Report. The Commission shall each year make a report to the Mayor and Council of its proceedings, with a full statement of its receipts and disbursements and the progress of its work during the preceding fiscal year.

(Code of Iowa, Sec. 392.1)

CHAPTER 25

TRAILS COMMISSION

25.01 Appointment
25.02 Organization
25.03 Compensation

25.04 Budget Certified
25.05 Powers and Duties

25.01 APPOINTMENT. The Mayor shall appoint, with the approval of the City Council, a Trails Commission for the City consisting of five citizens of legal age (18), for staggered terms of three years. A citizen of Iowa may be eligible to be appointed as a Commissioner whether such person lives inside or outside of the City limits. If a Commissioner misses five consecutive regular meetings of the Commission, the office shall be declared vacant by the Chairperson of the Commission by filing a written statement with the City Clerk setting forth the fact of said vacancy and the reason therefor.

25.02 ORGANIZATION. The Commission shall hold an annual organizational meeting during the month of January and shall elect officers to serve until the next following annual meeting, or until successors are elected.

25.03 COMPENSATION. There shall be no compensation attached to the office of Trails Commissioner, but a Commissioner may be reimbursed for actual out-of-pocket expenses incurred in connection with activities and business performed on behalf of the Commission.

25.04 BUDGET CERTIFIED. As directed in Section 7.05(2) of this Code of Ordinances, the Commission shall submit to the City Administrator a proposed budget for Trails general purposes for the ensuing fiscal year.

25.05 POWERS AND DUTIES. The powers and duties of the Trails Commission are as follows:

1. Have control of all trails or any other grounds owned by the City and set apart for like purposes within or without the City. All ordinances of the City shall be in full force and effect in and over the territory occupied by such trails.
2. Make rules and regulations for the use of the trails under its control, such rules to be posted on the facilities or otherwise publicized in a manner to provide adequate notice to the public. Said rules shall be approved by and adopted by a resolution of the Council.
3. Keep a record of all transactions and proceedings and submit a detailed annual report to the Council summarizing the Commission's activities and the maintenance and improvements of the trails and a written report of its program for that calendar year, together with a detailed accounting of all receipts and disbursements.
4. Plan, promote, implement and supervise trails programs.
5. Hire, with the approval of the Mayor and Council, someone to maintain the trails, to include such duties as cutting and mowing, trimming bushes and trees, weed and trash control, and general preventative maintenance.

6. Hire such other non-managerial employees, with the Mayor and Council's approval, as determined necessary and advisable in order to carry out the duties of the Commission.
7. Exercise such other discretionary authority which the Commission determines to be necessary and advisable in order to carry out the intent of this chapter and which is not inconsistent with this chapter or any other chapter in this Code of Ordinances. Authority of this Commission shall not be interpreted to include management of the trails within the City parks.

CHAPTER 26

POOL COMMISSION

26.01 Appointment
26.02 Organization
26.03 Compensation

26.04 Budget Certified
26.05 Powers and Duties

26.01 APPOINTMENT. The Mayor shall appoint, with the approval of the City Council, a Pool Commission for the City consisting of five citizens of legal age (18), for staggered terms of three years. A citizen of Iowa may be eligible to be appointed as a Commissioner whether such person lives inside or outside of the City limits. If a Commissioner misses five consecutive regular meetings of the Commission, or if the commissioner ceases to be a resident of the State of Iowa, the office shall be declared vacant by the Chairperson of the Commission by filing a written statement with the City Clerk setting forth the fact of said vacancy and the reason therefor.

26.02 ORGANIZATION. The Commission shall hold an annual organizational meeting during the month of January and shall elect officers to serve until the next following annual meeting, or until successors are elected.

26.03 COMPENSATION. There shall be no compensation attached to the office of Pool Commissioner, but a Commissioner may be reimbursed for actual out-of-pocket expenses incurred in connection with activities and business performed on behalf of the Commission.

26.04 BUDGET CERTIFIED. As directed in Section 7.05(2) of this Code of Ordinances, the Commission shall submit to the City Administrator a proposed budget for pool general purposes for the ensuing fiscal year.

26.05 POWERS AND DUTIES. The powers and duties of the Pool Commission are as follows:

1. Have control of all pool areas used by the City and set apart for like purposes within or without the City. All ordinances of the City shall be in full force and effect in and over any pool area occupied by such.
2. Make rules and regulations for the use of the pool or other facilities under its control, such rules to be posted on the facilities or otherwise publicized in a manner to provide adequate notice to the public. Said rules shall be approved by and adopted by a resolution of the City Council.
3. Keep a record of all its transactions and proceedings and submit a detailed annual report to the Council summarizing the Commission's activities and the maintenance and improvements for the pool and a report of its program for that calendar year, together with a detailed accounting of all receipts and disbursements.
4. Work in conjunction with the City Administrator to plan, promote, implement and supervise pool programs.
5. Oversee concessions at the pool and verify with the City Administrator any required licenses or said concessions.

6. Exercise such other discretionary authority which the Commission determines to be necessary and advisable in order to carry out the intent of this chapter and which is not inconsistent with this chapter or any other chapter in this Code of Ordinances.

CHAPTER 27

PARKS AND RECREATION COMMISSION

27.01 Appointment
27.02 Organization
27.03 Compensation

27.04 Budget Certified
27.05 Powers and Duties

27.01 APPOINTMENT. The Mayor shall appoint, with the approval of the City Council, a Parks and Recreation Commission for the City consisting of five Commissioners of legal age (18), for staggered terms of three years. If a Commissioner misses five consecutive regular meetings of the Commission, the office shall be declared vacant by the Chairperson of the Commission by filing a written statement with the City Clerk setting forth the fact of said vacancy and the reason therefor. If the Commission is unable to select officers at its annual organizational meeting, the Mayor shall select a member of the Commission to serve as acting Chairperson until the Commission can meet to select officers.

27.02 ORGANIZATION. The Commission shall hold an annual organizational meeting during the month of January and shall elect officers to serve until the next following annual meeting, or until successors are elected.

27.03 COMPENSATION. There shall be no compensation attached to the office of Parks and Recreation Commissioner, but a Commissioner may be reimbursed for actual out-of-pocket expenses incurred in connection with activities and business performed on behalf of the Commission.

27.04 BUDGET CERTIFIED. As directed in Section 7.05(2) of this Code of Ordinances, the Commission shall submit to the City Administrator a proposed budget for parks and recreation general purposes for the ensuing fiscal year.

27.05 POWERS AND DUTIES. The powers and duties of the Parks and Recreation Commission are as follows:

1. Have input for all parks and recreation areas used by the City and set apart for like purposes within or without the City. All ordinances of the City shall be in full force and effect in and over any recreational area occupied by such.
2. Make rules and regulations for the use of the parks, recreation and or other facilities under its control, such rules to be posted on the facilities or otherwise publicized in a manner to provide adequate notice to the public. Said rules shall be approved by and adopted by a resolution of the City Council.
3. Keep a record of all its transactions and proceedings and submit a detailed annual report to the Council summarizing the Commission's activities and the maintenance and improvements for the parks and recreation department and a report of its programs for that calendar year, together with a detailed accounting of all receipts and disbursements.
4. Work in conjunction with the Recreation/Community Center Director to plan, promote, implement, and supervise parks and recreation programs.

5. Hire such other non-managerial employees, with the Mayor and Council's approval, as determined necessary and advisable in order to carry out the duties of the Commission.
6. Oversee concessions and food stands at the City parks, excluding the pool concessions, and to verify with City Administrator any required licenses for said concessions and food stands at the City parks.
7. Exercise such other discretionary authority which the Commission determines to be necessary and advisable in order to carry out the intent of this chapter and which is not inconsistent with this chapter or any other chapter in this Code of Ordinances.

CHAPTER 28

BOARD OF ADJUSTMENT

28.01 Board Created
28.02 Official Body
28.03 Membership; Appointment
28.04 Term of Office
28.05 Vacancies

28.06 Duty To Fill Vacancies
28.07 Organization Meeting
28.08 Powers of the Board
28.09 Annual Meeting
28.10 Rules of Order

28.01 BOARD CREATED. There is hereby created a Board of Adjustment for the City pursuant to the authority granted by Chapter 414 of the *Code of Iowa*.

28.02 OFFICIAL BODY. The Board of Adjustment is hereby declared to be an official body of the City and the members of the Board of Adjustment are hereby declared to be officials of the City.

28.03 MEMBERSHIP; APPOINTMENT. The Board of Adjustment is composed of seven members, five of whom shall be residents of the City and two shall be residents of the area outside the City limits over which City zoning jurisdiction is extended. Members of the Board of Adjustment shall not hold elective office in the City, shall not be members of any other municipal board, commission, or committee, and shall not otherwise be employees of the City. The five City resident members are appointed by the Council. The two additional members are appointed by the County Board of Supervisors.

28.04 TERM OF OFFICE. The members of the Board of Adjustment are appointed for staggered terms of five years.

28.05 VACANCIES. If any vacancy exists on the Board of Adjustment caused by resignation or otherwise, a successor for the residue of the term shall be appointed in the same manner as the original appointee. The Board of Adjustment shall have no power or authority to act as a legally constituted Board at such time as a vacancy exists on the Board of Adjustment.

28.06 DUTY TO FILL VACANCIES. The Chairperson of the Board of Adjustment shall immediately notify the appropriate appointment authority whenever a vacancy occurs on said Board, and the appropriate appointing authority shall fill such vacancy within 10 days after receipt of such notice from the Chairperson or within 10 days after otherwise receiving notice of such vacancy.

28.07 ORGANIZATION MEETING. The Board of Adjustment shall annually elect a Chairperson, Vice Chairperson, and a Secretary from among the membership, who shall serve for one year or until successors are elected.

28.08 POWERS OF THE BOARD. The Board of Adjustment has the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of Chapter 414 of the *Code of Iowa* or any ordinance adopted by the City pursuant thereto.

2. To hear and decide special exceptions to the terms of the ordinance upon which the Board is required to pass under such ordinance.
3. To authorize upon appeal in specific cases such variances from the terms of such ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of such ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice done.

28.09 ANNUAL MEETING. The Board of Adjustment shall meet in an annual session during the month of January and shall file an annual report of its activities with the Clerk on or before the first Monday of each March thereafter; such report shall include a detailed account of all expenditures.

28.10 RULES OF ORDER. The Board of Adjustment shall adopt such rules and regulations governing its organization and procedures as it may deem necessary.

CHAPTER 29

MAYOR'S YOUTH COUNCIL

29.01 Purpose
29.02 Composition
29.03 Organization

29.04 Duties
29.05 Requirements

29.01 PURPOSE. There is established a Mayor's Youth Council of the City of Lamoni to provide an opportunity for the youth of the City to acquire a greater knowledge of and appreciation for their City government and their community leadership through active participation and involvement. Further, the Mayor's Youth Council is established to help the Mayor and City Council accomplish the goals of the community by working directly with the representatives of the youth. The Mayor's Youth Council shall also serve the youth of Lamoni by:

1. Informing the Lamoni City Council of the needs and wishes of the youth.
2. Planning and implementing social, education, cultural and recreational activities for the youth.
3. Working with the Mayor, City Council, City Administrators, Lamoni Schools and the Chamber of Commerce to provide service leadership opportunities for the youth of Lamoni.
4. Instilling a feeling of positive self-worth and esteem.
5. Promoting a sense of civic involvement and community pride.
6. Learning various aspects of community leadership.

29.02 COMPOSITION. The Mayor's Youth Council consists of representatives appointed by the Mayor, with the assistance of an advisory committee. The advisory committee shall include one Council member, the City Administrator, one school representative from the Lamoni Community Schools, and one community leader. Appointments shall be presented to the City Council for final approval.

29.03 ORGANIZATION. The Mayor's Youth Council shall organize as a board, with the election of a Chairperson, Vice Chairperson and Recorder. The responsibilities of the Council's officers shall be as follows:

1. The Mayor's Youth Council Chairperson shall:
 - A. Plan and conduct all Youth Council meetings.
 - B. Carry out the decisions of the Youth Council.
 - C. Meet periodically with the Mayor and City Administrator and provide for proper planning and coordination between the City Council and the Youth Council.
 - D. Propose to the Youth Council plans and projects designed to assist in the fulfillment of the purpose of the Youth Council.
 - E. Assign each Youth Council member areas of responsibility.

2. The Mayor's Youth Council Vice Chairperson shall perform the duties of the Youth Council's Chairperson during his/her absence.
3. The Mayor's Youth Council Recorder shall:
 - A. Attend all Youth Council meetings and take and maintain minutes of said meetings.
 - B. Carry out assignments of the Mayor's Youth Council.
 - C. Have all Youth Council's records submitted to the City Administrator monthly.
 - D. Submit a year-end report to the Mayor and City Council.

In addition, the Mayor's Youth Council shall have at least one advisor. The advisor shall attend meetings and become involved, in an advisory role, in all Youth Council activities. The advisor shall be appointed by the Mayor, with the approval of the City Council.

29.04 DUTIES.

1. It is the duty of the Mayor's Youth Council to:
 - A. Meet once monthly to conduct business.
 - B. Develop and adopt, by majority vote, a Youth Council Charter.
 - C. Modify this charter as needed by a majority vote.
 - D. Present to the Mayor and City Council this charter and all amendments for their approval.
 - E. Nominate one of its members as a Chairperson, with final approval by the Mayor.
 - F. Nominate one of its members as a Vice Chairperson, with final approval by the Mayor.
 - G. Nominate one of its members to act as Recorder, with final approval by the Mayor.
 - H. Pass motions and resolutions as necessary by a majority vote. A majority vote is one vote more than half the quorum of voting members who are present.
 - I. Carry out the purpose of the Mayor's Youth Council as outlined in this charter.
 - J. Develop and plan activities for the youth of the community, coordinating all such activities with the Mayor and the Youth Council Advisor.
 - K. Report to the City Council.
2. The Mayor's Youth Council must:
 - A. Have a quorum in order to conduct business. A majority of the total number of members will constitute a quorum. Without a quorum, no business will be transacted and no official action on any matter will take place.
 - B. Post publicly agendas of all Youth Council meetings at least 24 hours in advance of each meeting.

C. Coordinate all activities with the Youth Council Advisor and the Mayor.

29.05 REQUIREMENTS. In order to serve on the Mayor's Youth Council, a youth must be a resident within the Lamoni School District and be in at least the ninth grade. In order to remain in the Youth Council, a youth must remain a resident within the Lamoni School District and attend at least 75 percent of all Youth Council meetings, maintain at least a 2.0 grade point average if in school, fulfill the responsibilities of the office held, and set a proper example for the youth of the community. A member of the Youth Council can be removed from office upon violation of one or more of the above criteria and by a majority vote of the Mayor's Youth Council, with the final approval of the Mayor and City Council. Any vacancy on the Youth Council, either by removal or resignation, shall be filled by the appointment of the Mayor, with final approval by the City Council. The requirements of the members of the Mayor's Youth Council are as follows:

1. To attend Mayor's Youth Council meetings.
2. To carry out assignments of the Mayor's Youth Council.
3. To meet by appointment with the staff of the City in an effort to accomplish the purpose of the Youth Council.
4. To develop the plans, with the help of a committee, for such activities as bicycle clinics, drug abuse seminars, teenage driver safety workshops, and crime prevention campaigns.

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CHAPTER 30

AIRPORT COMMISSION

30.01 Airport Commission
30.02 Appointment and Term
30.03 Vacancies
30.04 Compensation

30.05 Bond
30.06 Officers
30.07 Powers and Duties
30.08 Annual Report

30.01 AIRPORT COMMISSION. There shall be an Airport Commission consisting of three resident voters of the City.

(Code of Iowa, Sec. 330.20)

30.02 APPOINTMENT AND TERM. Commissioners shall be appointed by the Council for staggered terms of six years.

(Code of Iowa, Sec. 330.20)

30.03 VACANCIES. Vacancies shall be filled by appointment of the Council to fill out the unexpired term for which the appointment was made.

(Code of Iowa, Sec. 330.20)

30.04 COMPENSATION. Members of the Commission shall serve without compensation.

(Code of Iowa, Sec. 330.20)

30.05 BOND. Each Commissioner shall execute and furnish a bond in the amount of \$1,000.00, which bond shall be filed with the City Clerk.

(Code of Iowa, Sec. 330.20)

30.06 OFFICERS. The Commission shall elect from its own members a Chairperson and Secretary who shall serve for such term as the Commission shall determine.

(Code of Iowa, Sec. 330.20)

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

1. General. The Commission has all the powers in relation to airports granted to cities under State law except powers to sell the airport.

(Code of Iowa, Sec. 330.21)

2. Budget. The Commission shall annually certify the amount of tax to be levied for airport purposes, and upon such certification the Council may include all or a portion of said amount in its budget.

(Code of Iowa, Sec. 330.21)

3. Funds. All funds derived from taxation or otherwise for airport purposes shall be under the full and absolute control of the Commission for the purposes prescribed by law, and shall be deposited with the Treasurer or City Clerk to the credit of the Airport Commission, and shall be disbursed only on the written orders of the Airport Commission, including the payment of all indebtedness arising from the acquisition and construction of airports and the maintenance, operation, and extension thereof.

(Code of Iowa, Sec. 330.21)

30.08 ANNUAL REPORT. The Airport Commission shall immediately after the close of each municipal fiscal year, file with the City Clerk a detailed and audited written report of all money received and disbursed by the Commission during said fiscal year, and shall publish a summary thereof in an official newspaper.

(Code of Iowa, Sec. 330.22)

CHAPTER 31

PUBLIC ACCESS CHANNEL COMMISSION

31.01 Appointment
31.02 Organization
31.03 Compensation

31.04 Budget Certified
31.05 Powers and Duties

31.01 APPOINTMENT. The Mayor shall appoint, with the approval of the City Council, a Public Access Channel Commission for the City consisting of five citizens of legal age, for staggered terms of three years. If a Commissioner misses five consecutive regular meetings of the Commission, or if the Commissioner ceases to be a resident of the City, the office shall be declared vacant by the Chairperson of the Commission by filing a written statement with the City Clerk setting forth the fact of said vacancy and the reasons therefor.

31.02 ORGANIZATION. The Commission shall hold an annual organizational meeting during the month of January and shall elect officers to serve until the next following annual meeting, or until successors are elected.

31.03 COMPENSATION. There shall be no compensation attached to the office of Public Access Channel Commissioner, but a Commissioner may be reimbursed for actual out-of-pocket expenses incurred in connection with activities and business performed on behalf of the Commission.

31.04 BUDGET CERTIFIED. It is the expectation of the City Council that no taxes will be used to fund this Commission. As directed in Section 7.05(2) of this Code of Ordinances, the Commission shall submit to the City Administrator a proposed budget for the public access channel general purposes for the ensuing fiscal year, including all expected income and expenses.

31.05 POWERS AND DUTIES. The powers and duties of the Public Access Channel Commission are as follows:

1. Operate, control, supervise and regulate the operation of the Public Access Channel.
2. Make rules and regulations for the operation of the Public Access Channel under its control, such rules to be posted at the City Hall or otherwise publicized in a manner to provide adequate notice to the public. Said rules shall be approved by and adopted by a resolution of the Lamoni City Council.
3. Keep a record of all transactions and proceedings and submit a detailed annual report to the Council summarizing the Commission's activities and the maintenance and operation of said Public Access Channel. Said annual report shall include a detailed accounting of all receipts and disbursements.
4. Plan, promote, implement, and supervise the Public Access Channel, including strategies for a continual program of funding.
5. Arrange for, with the approval of the Mayor and Council, someone to input data into the computer system that operates programs to be viewed on said Public Access Channel.

6. Exercise such other discretionary authority which the Commission determines to be necessary and advisable in order to carry out the intent of this chapter and which is not inconsistent with this chapter or any other chapter in this Code of Ordinances.

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CHAPTER 35

POLICE DEPARTMENT

35.01 Department Established
35.02 Organization
35.03 Peace Officer Qualifications
35.04 Required Training
35.05 Compensation

35.06 Peace Officers Appointed
35.07 Police Chief: Duties
35.08 Departmental Rules
35.09 Summoning Aid
35.10 Taking Weapons

35.01 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.

35.02 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.

35.03 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)

35.04 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)

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

35.06 PEACE OFFICERS APPOINTED. The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council. The Police Chief shall select, subject to the approval of the Mayor, the other members of the department.
(Code of Iowa, Sec. 372.4)

35.07 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.

35.08 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.

35.09 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)

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

(Code of Iowa, Sec. 804.18)

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CHAPTER 36

FIRE DEPARTMENT

36.01 Establishment and Purpose	36.09 Standard Operating Procedures
36.02 Organization	36.10 Accidental Injury Insurance
36.03 Approved by Council	36.11 Liability Insurance
36.04 Training	36.12 Calls Outside City
36.05 Compensation	36.13 Mutual Aid
36.06 Fire Chief Appointed	36.14 Authority to Cite Violations
36.07 Fire Chief: Duties	36.15 First Responders Service
36.08 Obedience to Fire Chief	

36.01 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)

36.02 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])

36.03 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.

36.04 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])

36.05 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])

36.06 FIRE CHIEF APPOINTED. The Mayor shall appoint the Fire Chief, subject to approval of the Council, for a term of one year, and the Fire Chief shall appoint, subject to the approval of the Mayor and Council, the other members of the department. (As a matter of intent, it is the expectation of the Council that the Fire Department shall conduct a majority election to designate a Fire Chief for submittal to the Mayor for appointment.)

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

8. Notification. Whenever death, serious bodily injury, or property damage in excess of \$200,000.00 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 \$50.00 or more or emergency responses by the Fire Department, file a report with the Fire Marshal's Division within 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 which under law or ordinance may be necessary to be made and is reasonably necessary to protect the public health, safety and welfare.

(Code of Iowa, Sec. 100.12)

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

(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.

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

36.09 STANDARD OPERATING PROCEDURES. The department shall adopt standard operating procedures as are deemed necessary to accomplish the object contemplated, and such standard operating procedures and any change or amendment to such standard operating procedures before being effective, must be approved by the Council.

36.10 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)

36.11 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)

36.12 CALLS OUTSIDE CITY. The department shall answer calls to fires and other emergencies outside the City limits if within the townships having a Township Fire Contract: New Buda, Riley, Fayette, Bloomington and Burrell.

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

36.13 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])

36.14 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)

36.15 FIRST RESPONDERS SERVICE. The department is authorized to provide first responders services, and the accidental injury and liability insurance provided for herein shall include such operation.

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CHAPTER 37

HAZARDOUS SUBSTANCE SPILLS

37.01 Purpose
37.02 Definitions

37.03 Cleanup Required
37.04 Notification

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

37.02 DEFINITIONS. For use in this chapter, the following terms and words shall be interpreted or defined as follows:

1. “Cleanup” means the same as set out in section 455B.381, subsection 1, *Code of Iowa*.
2. “Hazardous condition” means the same as set out in section 455.381, subsection 4, *Code of Iowa*.
3. “Hazardous substances” means any substance as defined in section 455B.381, subsection 5, *Code of Iowa*.
4. “Hazardous waste” means those wastes which are included by the definition in Section 455B.411, subsection 3, paragraph a, *Code of Iowa*. and the rules of the Iowa Department of Natural Resources.
5. “Person having control over a hazardous substance” means the same as set out in section 455B.381, subsection 7, *Code of Iowa*.
6. “Treatment” means a method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize it or to render the substance non-hazardous, safe for transport, amenable for recovery, amenable for storage, or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substance to render it non-hazardous.

37.03 CLEANUP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous waste or substance, so that the hazardous substance or waste or a constituent of the hazardous wastes or 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 person having control over a hazardous substance. If the person having control over the substance does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may proceed to procure cleanup services and bill the responsible person. If the bill for those services is not paid within 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 City Council and immediately seek any State or federal funds available for said cleanup.

37.04 NOTIFICATION. The first City officer or employee who arrives at the scene of an incident involving hazardous substances, if not a peace officer, shall notify the Chief of Police and the Fire Chief, which shall notify the proper State office in the manner established by the State.

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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
40.06 Nuisance Party Regulations

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 which is reasonably related to that sport.

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

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

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

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

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

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

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

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

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

6. 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 1,000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1,000 feet of a funeral procession or burial:

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

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

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

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

(Code of Iowa, Sec. 723.5)

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)

40.06 NUISANCE PARTY REGULATIONS.

1. Nuisance Party Defined. A social gathering or party which is conducted on premises within the City of Lamoni, Iowa, and which, by reason of the conduct of those persons in attendance, results in any one or more of the following conditions of events occurring at the site of the said party or social gathering, or on the neighboring public or private property:

A. Public intoxication.

B. Unlawful consumption of beer, wine or alcoholic beverages in a public place.

- C. Outdoor urination or defecation in a public place.
- D. The unlawful sale, furnishing, dispensing or consumption of beer, wine or alcoholic beverages.
- E. Underage or unlawful possession of beer, wine or alcoholic beverages.
- F. The unlawful deposit of litter or refuse.
- G. The damage or destruction of property without the consent of the property owner.
- H. Unlawful pedestrian or vehicular traffic.
- I. Standing or parking of vehicles that obstructs the free flow of traffic on the public streets and sidewalks or that impedes the ability to render emergency services.
- J. Unlawfully loud noise.
- K. Fighting.
- L. Any other conduct or condition that threatens injury to persons or damage to property.

are declared to be a public nuisance.

2. Duty to Control Premises. Any person who is an owner, occupant, tenant, or otherwise having any possessory control, individually or jointly with others, of any premises who either sponsors, conducts, hosts, invites, or permits a social gathering or party on said premises which is or become a public nuisance as defined in Subsection 1 above, and which nuisance is either the intentional result of, or within the reasonable expectations of, the person or persons having such possessory control is deemed to be in violation of this section.

3. Vacation of Premises. Any party or social gathering that is or becomes a public nuisance as defined in Subsection 1 above shall cease and disperse immediately upon the order of any officer of the Lamoni Police Department; and, all persons not domiciled at the site of such social gathering or party shall leave the premises immediately. Any person who fails or refuses to obey and abide by such order shall be guilty of a violation of this ordinance.

4. Penalty. Violation of this ordinance shall be a municipal infraction punishable by a penalty of \$100.00 for a person's first violation thereof and \$200.00 for each repeat violation. Alternatively, violation of this section can be charged by a police officer of the City as a simple misdemeanor.

(Section 40.06 – Ord. 241 – Dec. 20 Supp.)

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CHAPTER 41

PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances	41.09 Antenna and Radio Wires
41.02 False Reports to or Communications with Public Safety Entities	41.10 Barbed Wire and Electric Fences
41.03 Providing False Identification Information	41.11 Discharging Weapons
41.04 Refusing to Assist Officer	41.12 Throwing and Shooting
41.05 Harassment of Public Officers and Employees	41.13 Exception to Discharging Weapons
41.06 Interference with Official Acts	41.14 Urinating and Defecating
41.07 Removal of an Officer's Communication or Control Device	41.15 Fireworks
41.08 Abandoned or Unattended Refrigerators	41.16 Storage of Dangerous Substances
	41.17 Coin-Operated Machines
	41.18 Encumbrances to Power Poles Prohibited

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, jailer, 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, jailer, 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 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 EXCEPTION TO DISCHARGING WEAPONS. When not otherwise prohibited by any ordinance, and subject to any prohibition or regulation of any appropriate municipal board or agency of the City, Sections 41.11 and 41.12 of this chapter shall not apply to any area within 100 feet of the high water mark of Home Pond during such time that a valid contract exists between the City and the Lamoni Sportsman's Club, granting to said club the right to regulate and control shooting, hunting, and fishing thereon.

41.14 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.

41.15 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, skyrockets, 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:\$250,000.00 per person
 - B. Property Damage:\$50,000.00
 - C. Total Exposure:\$1,000,000.00
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.

41.16 STORAGE OF DANGEROUS SUBSTANCES. The storage of explosives and blasting agents, storage of flammable liquids in outside above-ground tanks, and bulk storage of LP gases are hereby prohibited. Provided, however, owners of existing above-ground flammable liquid storage tanks shall not be in violation of this section so long as said tanks remain in the same location as they occupied on the date of the adoption of the City's 1993 Code of Ordinances and remain under the same ownership; and provided further, the exemption from operation of this section shall cease upon giving up ownership of said storage tanks or upon moving said tanks; and provided further, this exemption from operation of this section is personal and non-transferable. The Council has the power to issue exemption from the operation of this section, said exemption to be issued only upon the majority vote of the entire Council, after the applicant has submitted a written request for exemption outlining the reasons for applying for same, and after good cause is shown by the applicant at a public hearing on the application. The Council is required to consider the spirit behind this section and the public safety secured thereby in reaching its decision. Said exemptions shall be for a one-year period only, renewable annually for the same period upon majority vote of the Council after verbal reapplication by the applicant at a regular Council meeting.

41.17 COIN-OPERATED MACHINES. All owners or operators of a coin-operated machine, which is intended for use by the public, shall have posted on the machine or in a conspicuous place on the premises where the machine is kept, a sign or notice designating the name, address, and telephone number of the owner or operator of the machine.

41.18 ENCUMERANCES TO POWER POLES PROHIBITED. It is unlawful for any person, firm, or corporation to tie, bind, or secure an animal or vehicle to a power pole, transformer, or guy-wire, within the City of Lamoni, Iowa.

1. No person shall attach, or otherwise encumber an electric power pole or its appurtenances as to damage or impair access by the Municipal Utility to electric distribution hardware.
2. Violation of this ordinance is declared to be a simple misdemeanor, punishable by a fine of \$100.00.

(Section 41.18 – Ord. 225 – Oct. 18 Supp.)

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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 Vehicles Upon Airport Roadways and Runways

42.08 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 VEHICLES UPON AIRPORT ROADWAYS AND RUNWAYS. It is unlawful to operate, stand, or park any unapproved motor vehicle, implement of husbandry, animal drawn means of conveyance, or recreational vehicle upon the paved runways, taxiways, or aircraft parking areas of the Lamoni Municipal Airport. Unauthorized operation, standing, or parking upon the paved runways, taxiways, or aircraft parking areas shall be a simple misdemeanor. The Lamoni Airport Commission shall post signs at the affected areas of the Lamoni Municipal Airport, which shall mark restricted areas described in this section. Approved maintenance and emergency vehicles may access the runways, taxiways, and parking areas of the Lamoni Municipal Airport in the pursuit of bona fide duty. The Lamoni Airport Commission may cause maintenance equipment and vehicles to occupy runway and taxiway space while in the pursuit of construction or maintenance operations. Maintenance operations shall include: snow removal by the Lamoni Street Department, and maintenance contractors directed by the Lamoni Airport Commission, Federal Aviation Administration, Transportation Safety Administration, and the National Weather Service.

42.08 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 23 – Library
 - A. Section 23.10 – Injury to Books or Property
 - B. Section 23.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control and Recycling
 - A. Section 105.07 – Littering 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 43

DRUG PARAPHERNALIA

43.01 Purpose

43.02 Controlled Substance Defined

43.03 Drug Paraphernalia Defined

43.04 Determining Factors

43.05 Possession of Drug Paraphernalia

43.06 Manufacture, Delivery or Offering For Sale

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

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

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

1. Growing Kits. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
2. Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
3. Isomerization Devices. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
4. Testing Equipment. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
5. Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
6. Diluents. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, used, intended for use, or designed for use in cutting controlled substances.
7. Separators; Sifters. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.

8. Mixing Devices. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
9. Containers. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. Storage Containers. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. Injecting Devices. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
12. Ingesting-Inhaling Device. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - B. Water pipes;
 - C. Carburetion tubes and devices;
 - D. Smoking and carburetion masks;
 - E. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;
 - F. Miniature cocaine spoons and cocaine vials;
 - G. Chamber pipes;
 - H. Carburetor pipes;
 - I. Electric pipes;
 - J. Air driven pipes;
 - K. Chillums;
 - L. Bongs;
 - M. Ice pipes or chillers.

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

1. Statements. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior Convictions. Prior convictions, if any, of an owner, or of anyone in control of the object under any State or federal law relating to any controlled substance.
3. Proximity To Violation. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the *Code of Iowa*.

4. Proximity To Substances. The proximity of the object to controlled substances.
5. Residue. The existence of any residue of controlled substances on the object.
6. Evidence of Intent. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the *Code of Iowa*.
7. Innocence of an Owner. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the *Code of Iowa*, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
8. Instructions. Instructions, oral or written, provided with the object concerning its use.
9. Descriptive Materials. Descriptive materials accompanying the object which explain or depict its use.
10. Advertising. National and local advertising concerning its use.
11. Displayed. The manner in which the object is displayed for sale.
12. Licensed Distributor or Dealer. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
13. Sales Ratios. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
14. Legitimate Uses. The existence and scope of legitimate uses for the object in the community.
15. Expert Testimony. Expert testimony concerning its use.

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

43.06 MANUFACTURE, DELIVERY OR OFFERING FOR SALE. It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or offer for sale drug paraphernalia, intending that the drug paraphernalia will be used, or knowing, or under circumstances where one reasonably should know that it will be used, or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the *Code of Iowa*.

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CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.02 Public Consumption or Intoxication

45.03 Open Containers in Motor Vehicles

45.04 Social Host

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

1. 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])

2. 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.]*

45.04 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 shall 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])

CHAPTER 46

JUVENILES

46.01 Curfew

46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

46.01 CURFEW. The Council has determined that a curfew for juveniles 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 juveniles; to protect the public from the illegal acts of juveniles committed after the curfew hour; and to protect juveniles 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. “Juvenile” means any unemancipated person under the age of 18 years.
 - C. “Knowingly” means knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a juvenile in that responsible adult’s custody. It is intended to continue to hold the neglectful or careless adult responsible for a juvenile to a reasonable standard of adult responsibility through an objective test. It is therefore no defense that an adult responsible for a juvenile was completely indifferent to the activities or conduct or whereabouts of the juvenile.
 - D. “Nonsecured custody” means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room which 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 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 which 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 juvenile.

2. Curfew Established. It is unlawful for any juvenile 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 12:00 midnight and 5:00 a.m.

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

A. The juvenile is accompanied by a responsible adult.

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

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

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

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

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

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

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

E. The juvenile 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 juvenile to be in any public place in the City within the time periods prohibited by this section unless the juvenile’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 juvenile for a curfew violation may keep the juvenile in custody either in a shelter care facility or in any non-secured setting. The officer shall not place bodily restraints, such as handcuffs, on the juvenile unless the juvenile physically resists or threatens physical violence when being taken into custody. A juvenile shall not be placed in detention following a curfew violation.

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

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

6. Penalties.

A. First Offense - \$25.00.

B. Second Offense - \$50.00.

C. Third and Subsequent Offense - \$100.00.

46.02 CIGARETTES AND TOBACCO. It is unlawful for any person under 21 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 an individual under 21 years of age shall not constitute a violation of this section if the individual under 21 years of age 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. *(Ord. 249 – Dec. 20 Supp.)*

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

46.03 CONTRIBUTING TO DELINQUENCY. It is unlawful for any person to encourage any child under 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 Camping
47.06 Fish

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 fires shall be built, except in a place provided therefor, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

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

47.05 CAMPING. Camping in any portion of a park is allowed only with the permission of the Police Chief or the Council.

47.06 FISH.

1. Purpose. The purpose of this ordinance is to establish the minimum size and daily possession limits of fish caught in water structures owned/controlled by the City of Lamoni, Iowa.

2. Limits. The minimum size and daily possession limits of fish caught in water structures owned/controlled by the City of Lamoni, Iowa are hereby declared to be:

A. (6) Six Yellow Perch, daily catch. Combined possession limit (10). No minimum size.

B. (4) Four Walleye, daily catch. Combined possession limit of (10). 13” minimum length.

3. Penalty. A violation of this ordinance shall be subject to a “scheduled fine” of \$50.00 per fish, plus surcharge and costs of the court.

(Section 47.06 – Ord. 233 – Oct. 18 Supp.)

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CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance
50.02 Nuisances Enumerated
50.03 Other Conditions
50.04 Nuisances Prohibited

50.05 Nuisance Abatement
50.06 Abatement by Written Notice
50.07 Municipal Infraction Abatement Procedure

50.01 DEFINITION OF NUISANCE. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance.

(Code of Iowa, Sec. 657.1)

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

(Code of Iowa, Sec. 657.2)

1. **Offensive Smells.** Erecting, continuing or using any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.
6. **Billboards.** Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.06)**
7. **Storing of Flammable Junk.** Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**
8. **Air Pollution.** Emission of dense smoke, noxious fumes or fly ash.
9. **Weeds, Brush.** Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard. **(See Chapter 52)**

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

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

12. Houses of Ill Fame. Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the *Code of Iowa* or places resorted to by persons using controlled substances, as defined in Section 124.101 of the *Code of Iowa*, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

50.03 OTHER CONDITIONS. Other examples of nuisances are as follows:

1. Junk and junk vehicles **(See Chapter 51)**
2. All diseased animals running at large **(See Chapter 55)**
3. All ponds or pools of stagnant water.
4. Carcasses of animals not disposed of within 24 hours after death, as provided by law.
5. Storage and disposal of solid waste **(See Chapter 105)**
6. All gambling devices, slot machines and punch boards.
7. All places where intoxicating liquors are kept for sale, barter, or distribution in violation of law, and all liquors, bottles, kegs, pumps, bars, and other property kept at and used for maintaining such a place. **(See Chapter 120)**
8. All limbs of trees which are less than eight feet above the surface of any public sidewalk or street. **(See Chapter 151)**
9. All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half of their original value and which are so situated as to endanger the safety of the public. **(See Chapter 145)**
10. All explosives, flammable liquids, and other dangerous substances stored in any manner or in any amount other than that provided by statute. **(See Section 41.16)**
11. All unnecessary noises and annoying vibrations. **(See Chapter 53)**
12. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are provided by ordinance. **(See Section 135.09)**
13. Nonconforming uses of buildings and land. **(See Chapter 165)**

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. Contents of Notice to Property Owner. The notice to abate shall contain: †
 - A. Description of Nuisance. A description of what constitutes the nuisance.
 - B. Location of Nuisance. The location of the nuisance.
 - C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
 - D. Reasonable Time. A reasonable time within which to complete the abatement.
 - 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.
2. 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])
3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.
4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this chapter without prior notice. The City shall assess the costs as provided in 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])

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

5. 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])

6. 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])

7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds \$500.00, the City may permit the assessment to be paid in up to 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)

8. 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 4 of this Code of Ordinances.

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CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

51.03 Junk and Junk Vehicles a Nuisance

51.04 Exceptions

51.05 Notice to Abate

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

1. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
2. “Junk vehicle” means any vehicle legally placed in storage with the County Treasurer or unlicensed and which has any of the following characteristics:
 - A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
 - B. Broken, Loose or Missing Part. Any vehicle with a broken, loose or missing fender, door, bumper, hood, steering wheel or trunk lid.
 - C. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.
 - D. Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel.
 - E. Inoperable. Any motor vehicle which lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or which cannot be moved under its own power or has not been used as an operating vehicle for a period of 30 days or more.
 - F. Defective or Obsolete Condition. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

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

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

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

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

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

1. Structure. Within a garage or other enclosed structure; or
2. Salvage Yard. Within an auto salvage yard or junk yard lawfully operated within the City; or
3. Repair or Restoration. On premises owned or occupied by the owners of vehicles which are inoperable solely by reason of repair or restoration being done thereon, provided a permit is obtained and the following conditions are met:
 - A. The period of repair of a vehicle or restoration of an antique automobile does not exceed 30 days.
 - B. Such activity does not become offensive to the adjacent property occupants.

Such permit may be reissued upon expiration.

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

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

CHAPTER 52

GRASS AND WEEDS

52.01 Purpose

52.02 Definitions

52.03 Cutting Specifications and Standards of Practice

52.04 Uniform Height Specifications

52.05 Noxious Weeds

52.06 Notice to Abate

52.01 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the City by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting street right-of-way in order to prevent unsightly, offensive or nuisance conditions.

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

1. "Curb," "curb line" or "curbing" means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.
2. "Cut" or "mow" means to mechanically maintain the growth of grass, weeds or brush at a uniform height.
3. "Owner" means a person owning private property in the City and any person occupying private property in the City.
4. "Parking" means that part of a street in the City not covered by a sidewalk and lying between the lot line or property line and the curb line; or on unpaved streets, that part of the street lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.

52.03 CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE.

1. Every owner shall cut, mow and maintain all grass, weeds and brush upon the owner's property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner's property, to a uniform height as defined in Section 52.04.
2. Every owner shall cut, mow and maintain grass, weeds and brush adjacent to the curb line, including the parking area abutting the owner's property, in such a manner so as to be in conformity with and at an even height with all other grass, weeds or brush growing on the remainder of the owner's property.

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

1. Developed Residential Areas – not to exceed six inches.
2. Undeveloped Residential Areas – not to exceed eight inches.
3. Business and Industrial Areas – not to exceed six inches.
4. Agriculture Areas – not to exceed 15 inches.

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

52.05 NOXIOUS WEEDS.

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

52.06 NOTICE TO ABATE. Upon discovery of any violations of this chapter, the City may within five days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

CHAPTER 53

NOISE CONTROL

53.01 Scope of Regulations

53.02 Definitions

53.03 Noise Disturbance Prohibited

53.04 Included Sounds

53.05 Excluded Sounds

53.06 Sound Equipment Permit

53.07 Other Laws and Ordinances

53.01 SCOPE OF REGULATIONS. This chapter applies to the control of all noise originating within the limits of the City, except in the following cases: (i) a State or federal agency has adopted a different standard or rule than that prescribed within this chapter which preempts the regulation of noise from a particular source so as to render this chapter inapplicable; or (ii) the Council has determined that, by reason of public acceptance of the activity producing a particular noise or noises, such noise is deemed acceptable to the residents of the City.

53.02 DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have the following meanings. Definitions of technical terms used in this chapter which are not herein defined shall be obtained from publications of acoustical terminology issued by the American National Standards Institute (ANSI):

1. “Application” means the application discussed in Section 53.06 of this chapter.
2. “Emergency” means any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.
3. “Emergency work” means any work performed for the purpose of alleviating or resolving an emergency.
4. “Motorcycle” means any two- or three-wheeled motor vehicle.
5. “Motor vehicle” means any motor-powered vehicle designed to carry at least one passenger or driver and of the type typically licensed for use on the public highways. (Note: “motor vehicle” includes most motorcycles.)
6. “Noise” means any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
7. “Noise disturbance” means those sounds defined as “noise disturbances” in Section 53.04 of this chapter.
8. “Powered model vehicle” means any self-propelled airborne, waterborne or land-borne model plane, vessel or vehicle which is not designed to carry persons, including but not limited to, any model airplane, boat, car or rocket.
9. “Public right-of-way” means the traveled portion of any street or alley or similar place which is owned or controlled by the City or other governmental entity.
10. “Real property boundary” means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property division.

11. “Recreational vehicle” means any motor-powered vehicle designed to carry at least one passenger or driver and equipped for use in racing or other recreational events or uses off of public right-of-way on public or private property; except, however, for the purposes of this chapter, any such vehicle which is licensed for use on the public highways is deemed a “motor vehicle” (or “motorcycle” if two or three-wheeled) and not a “recreational vehicle.” (Examples of recreational vehicles are a snowmobile, a minibike, a stock car or motorboat.)

12. “Residential property” means any property on which is located a building or structure used wholly or partially for living or sleeping purposes.

13. “Sound” means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

14. “Sound equipment” means any radio, record player, tape deck or player, loud speaker, amplifier, sound track or other device for producing, reproducing or amplifying sound, except, however, “sound equipment” does not include: (i) sirens and other equipment used to alert persons to the existence of an emergency; (ii) equipment used by law enforcement and other public safety officials in the performance of their official duties; (iii) church carillons, bells or chimes; (iv) mobile radio or telephone signaling devices; and (v) automobile and truck radios, tape decks, or players or other such standard equipment used and intended for the use and enjoyment of the occupants, provided that the sound emitted therefrom is not audible for more than 50 feet from such automobile or truck.

53.03 NOISE DISTURBANCE PROHIBITED. It is unlawful for any person to willfully make or continue or cause or allow to be made or continued any noise disturbance within the City.

53.04 INCLUDED SOUNDS. Except for sounds excluded under Section 53.05 of this chapter, the term “noise disturbance” means any of the following sounds:

1. Injurious or Disturbing Sounds Generally. Any sound which endangers or injures the welfare, safety or health of a human being or disturbs a reasonable human being of normal sensitivities or causes or tends to cause an adverse physiological or physical effect on human beings or devalues or injures property.
2. Selling by “Hawking” or “Barking.” The sound of selling by shout or outcry when made within the area of the City zoned residential or commercial.
3. Loading and Unloading. The sound made by outdoor loading, unloading, opening, closing or handling of boxes, crates, containers, building materials or similar objects between the hours of 9:00 p.m. and 7:00 a.m. within any area of the City zoned residential. The sound made by the outdoor loading, unloading, opening, closing or handling of trash cans, trash containers, trash receptacles, trash dumpsters or similar objects which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.
4. Engine Repairs and Testing. The sound made by the repairing, rebuilding, modifying or testing of a motor vehicle or recreational vehicle which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.

5. **Powered Model Vehicles.** The sound made by the operation of a powered model vehicle which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.
6. **Musical Instruments.** The sound made by a drum, horn, reed instrument, string instrument or other musical instrument or device which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.
7. **Off-Road Motorcycle and Recreational Vehicle Noise.** The sound made on private property or on City-owned property other than a public right-of-way by a motorcycle or recreational vehicle and received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property; provided, however, the sound made by a motorcycle when traveling from private property to a public right-of-way, or vice versa, in pursuance of normal ingress or egress for purposeful transportation is not a noise disturbance unless made so by some provisions of this section other than this subsection 7.
8. **Construction Noise.** The sound made by tools or equipment in erection, demolition, excavation drilling or other such construction work which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.
9. **Sound Equipment.** The sound made by sound equipment operated upon the public right-of-way or in any building or upon any premises, public or private, if plainly audible from any public right-of-way within the City unless the person using, operating or causing to be used or operated the sound equipment possesses a current sound equipment permit and the actual use or operation of such sound equipment is not inconsistent with the statements made in the application or the conditions imposed in the sound equipment permit or the limitations specified in Section 53.06(4) of this chapter.
10. **Racing.** The sound made by a motor vehicle or recreational vehicle on private property or public right-of-way during any racing event or time trial, whether organized or unorganized.
11. **Screeching Tires.** The sound made by the intentional screeching or squealing of the tires of a motor vehicle in areas of the City zoned residential or commercial.
12. **Noisy Exhaust System.** The sound made by a motor vehicle or a recreational vehicle whose exhaust system has been modified by the installation of a muffler cut-out or bypass.
13. **Animal or Bird Noises.** The frequent or habitual sound made by a domesticated animal or bird, other than livestock owned or possessed for agricultural purposes, which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.

53.05 EXCLUDED SOUNDS. Any other provision of Section 53.04 or other section of this chapter to the contrary notwithstanding, the term “noise disturbance,” as used in this chapter, does not mean or include the following sounds:

1. **Lawn and Garden Equipment.** The sound emitted by motor-powered, muffler-equipped lawn and garden equipment operated between the hours of 7:00 a.m. and 9:00 p.m.

2. Chain Saws. The sound emitted by motor-powered tree-trimming equipment operated between the hours of 7:00 a.m. and 9:00 p.m.
3. Snow Removal Equipment. The sound emitted by motor-powered, muffler-equipped snow removal equipment operated between the hours of 6:00 a.m. and 10:00 p.m. and the sound emitted by City-owned or hired snow removal equipment.
4. Emergencies. The sound emitted in the performance of emergency work or to alert persons to the existence of an emergency.
5. Alarms. The sound emitted by the intentional sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device for emergency purpose or for the essential testing of such device.
6. Church Bells. The sound emitted by church carillons, bells or chimes.
7. Automobile Radios. The sound emitted by an automobile or truck radio, tape deck or player or other such standard equipment used and intended for the use and enjoyment of such vehicle's occupants while such vehicle is on the public right-of-way, provided that the sound emitted therefrom is not audible for more than 50 feet.
8. Certain Signaling Devices. The sound emitted by mobile radio or telephone signaling devices.
9. Religious Ceremonies. The sound emitted in conjunction with a religious celebration.
10. Law Enforcement. The sounds made or caused to be made by law enforcement officials in the performance of their official duties.
11. Construction Noise. The sound emitted by construction work (erection, demolition, excavation, drilling, etc.) between the hours of 7:00 a.m. and 9:00 p.m., which is being performed pursuant to a proper and current building permit.
12. Mosquito Spraying Equipment. The sound made by the City-owned or hired mosquito spraying equipment.

53.06 SOUND EQUIPMENT PERMIT. No person shall use, operate or cause to be used or operated any sound equipment upon the public rights-of-way or in any building or upon any premises, public or private, if the sound emitted thereby is plainly audible from the public right-of-way within the City unless such person has obtained a sound equipment permit in accordance with this section and the actual use or operation of such sound equipment is not inconsistent with the statements made in the application, the conditions imposed in the sound equipment permit, or the limitations specified in subsection 4 of this section. A sound equipment permit is not transferable and shall be conspicuously displayed on or adjacent to the sound equipment.

1. Application for Permit. Applications for sound equipment permits shall be made in writing to the Clerk and shall contain the following information:
 - A. Name and address of applicant.
 - B. The purpose for which the sound equipment will be used.
 - C. The location where the sound equipment will be used.
 - D. The number of days of use and proposed hours of operation of the sound equipment.

- E. A general description of the sound equipment, including the license number of any motor vehicle upon which it is to be operated.
 - F. Any other information as may be required by the Clerk.
2. Permit Fee. The fee for a sound equipment permit is \$5.00 for one day or less, and \$25.00 for two through seven days, except that no fee is required for a sound equipment permit issued to the City, the State, or the federal government or any governmental subdivision or agency thereof.
3. Issuance of Permit. Permits may be issued by the Clerk. Except as hereinafter provided, if the application contains the required information and is accompanied by the required fee, the sound equipment permit shall be issued with reasonable dispatch.
4. Limitations. Any other language in this section to the contrary notwithstanding, a sound equipment permit shall not be issued if:
- A. The sound to be emitted by the sound equipment is other than human speech or music.
 - B. The sound equipment is to be operated for commercial advertising purposes or for the purpose of attracting the attention of the public to any building, structure or vehicle for monetary profit or for the purpose of advertising such sound equipment.
 - C. The sound to be emitted by the sound equipment would be a noise disturbance under Section 53.04 (other than subsection 9) of this chapter.

A sound equipment permit issued in violation of this subsection 4 is void and of no force and effect.

5. Conditions. The Council may impose reasonable conditions and requirements to be met or fulfilled by the sound equipment permit holder preliminary to or at the time of the use or operation of the sound equipment. Such conditions and requirements shall be those conditions and requirements necessary or advisable to protect the health, welfare and quality of life of the residents of the City and may include, without limitation, restrictions on the time of day the sound equipment can be used or operated, restrictions on the level of the sound to be produced and restrictions on the number of minutes or consecutive minutes that the sound equipment may be used or operated during any one hour or day.

53.07 OTHER LAWS AND ORDINANCES. No provisions of this chapter should be construed to legalize or permit sounds, devices or activities made unlawful by other ordinances of the City or State or federal statutes.

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.15 Confinement of Female Dogs In Heat
55.02 Animal Neglect	55.16 Rabies Vaccination
55.03 Livestock Neglect	55.17 Owner's Duty
55.04 Abandonment of Cats and Dogs	55.18 Confinement
55.05 Livestock	55.19 General Quarantine
55.06 At Large Prohibited	55.20 Trapping and Snaring
55.07 Enclosure or Restraint	55.21 At Large: Impoundment
55.08 Annoyance or Disturbance	55.22 Disposition of Animals
55.09 Unlawful to Cause Harm or Injury	55.23 Impounding Costs and Disposal Fees
55.10 Animals Where Food or Drinks Are Sold	55.24 Pet Awards Prohibited
55.11 Releasing Animals	55.25 Penalties
55.12 Interference with Officials	55.26 Tampering With A Rabies Vaccination Tag
55.13 Clean and Sanitary Conditions	55.27 Tampering With An Electronic Handling Device
55.14 Cleanup After Animals	

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

1. "Advertise" means to present a commercial message in any medium, including (but not limited to) print, radio, television, sign, display, label, tag, or articulation.

(Code of Iowa, Sec. 717E.1)

2. "Animal" means a nonhuman vertebrate.

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

3. "Animal shelter" means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.

(Code of Iowa, Sec. 162.2)

4. "At large" means off the premises of the owner. An animal properly licensed pursuant to Chapter 56 shall not be deemed at large if such animal:

A. Is on the premises of the owner;

B. Is under the control of a person competent to restrain and control the animal, either by leash, cord, chain or other similar restraint not more than 10 feet in length, or properly restrained within a motor vehicle;

C. Is properly housed in a veterinary hospital or licensed kennel or animal pound; or

D. Is accompanied by or "at heel" beside and obedient to the commands of the owner or a competent, responsible person.

5. "Business" means any enterprise relating to any of the following:

(Code of Iowa, Sec. 717E.1)

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.
6. “Commercial establishment” means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.
(*Code of Iowa, Sec. 717.B1*)
7. “Dog” means and includes members of the canine species, male or female, whether neutered or not.
8. “Fair” means any of the following:
(*Code of Iowa, Sec. 717E.1*)
- 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.
9. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the *Code of Iowa*.
(*Code of Iowa, Sec. 717E.1*)
10. “Injury” means an animal’s disfigurement; the impairment of an animal’s health; or an impairment to the functioning of an animal’s limb or organ, or the loss of an animal’s limb or organ.
(*Code of Iowa, Sec. 717.B1*)
11. “Kennel” means any premises on which four or more dogs or four or more cats, six months old or older, are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint.
12. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas, and emus; farm deer (as defined in Section 170.1 of the *Code of Iowa*); or poultry.
(*Code of Iowa, Sec. 717.1*)
13. “Owner” means any person owning, keeping, sheltering, or harboring an animal.
14. “Pet” means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.
(*Code of Iowa, Sec. 717E.1*)
15. “Pound” means a facility for the prevention of cruelty to animals operated by the State, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.
(*Code of Iowa, Sec. 162.2*)
16. “Research facility” means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or

research laboratories, or other educational or scientific establishment situated in the State concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

(Code of Iowa, Sec. 162.2)

17. “Veterinarian” means a veterinarian licensed pursuant to Chapter 169 of the *Code of Iowa* who practices veterinary medicine in the State.

Code of Iowa, Sec. 717.B1)

(Section 55.01 – Ord. 247 – Dec. 20 Supp.)

55.02 ANIMAL NEGLECT.

1. It is unlawful for a person who owns or has custody of an animal and confines that animal to fail to provide the animal with any of the following conditions for the animal’s welfare:

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

A. Access to food in an amount and quality reasonably sufficient to satisfy the animal’s basic nutrition level to the extent that the animal’s health or life is endangered.

B. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal’s basic hydration level to the extent that the animal’s health or life is endangered. Access to snow or ice does not satisfy this requirement.

C. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal’s health or life is endangered.

D. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal’s health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.

E. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.

F. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal’s distress from any of the following:

(1) A condition caused by failing to provide for the animal’s welfare as described in this section.

(2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.

2. This section does not apply to any of the following:

A. A person operating a commercial establishment under a valid authorization issued or renewed under Section 162.2A of the *Code of Iowa*, or a person acting under the direction or supervision of that person, if all of the following apply:

(1) The animal, as described in Subsection 1, was maintained as part of the commercial establishment's operation.

(2) In providing conditions for the welfare of the animal, as described in Subsection 1, the person complied with the standard of care requirements provided in Section 162.10A[1] of the *Code of Iowa*, including any applicable rules adopted by the Department of Agriculture and Land Stewardship applying to: (i) a State licensee or registrant operating pursuant to Section 162.10A[2a] or [2b] of the *Code of Iowa*; or (ii) a permittee operating pursuant to Section 162.10A[2c] of the *Code of Iowa*.

B. A research facility if the research facility has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship pursuant to Chapter 162 of the *Code of Iowa*, and performs functions within the scope of accepted practices and disciplines associated with the research facility.
(Section 55.02 – Ord. 247 – Dec. 20 Supp.)

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

(Code of Iowa, Sec. 717.2)

55.04 ABANDONMENT OF CATS AND DOGS. It is unlawful for a person who owns or has custody of a cat or dog to relinquish all rights in and duties to care for the cat or dog. This section does not apply to any of the following:

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

1. The delivery of a cat or dog to another person who will accept ownership and custody of the cat or dog.
2. The delivery of a cat or dog to an animal shelter or that has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship under Chapter 162 of the *Code of Iowa*.
3. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat's sterilization by a veterinarian.

(Section 55.04 – Ord. 247 – Dec. 20 Supp.)

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

55.06 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.

55.07 ENCLOSURE OR RESTRAINT. It is the duty of every owner or person having custody or control of a dog to restrain the animal physically within an enclosure or upon a leash when such animal is left unattended outside or is not at heel. The animal must be restrained so as to prevent the animal from leaving the premises of its owner or from coming in contact with the public right-of-way or the property of another.

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

55.09 UNLAWFUL TO CAUSE HARM OR INJURY. It is unlawful for any dog or animal to attack persons, birds, fowl or other domestic animals or to destroy property other than the property of the owner of said animal. It is unlawful for the owner of a dog or any animal to permit such dog or other animal to attack persons or domestic animals or to place any person in reasonable fear of attack or injury.

55.10 ANIMALS WHERE FOOD OR DRINKS ARE SOLD. It is unlawful for owners to allow animals to trespass upon any property where food or drinks are sold, unless provided for otherwise by statute.

55.11 RELEASING ANIMALS. No person shall aid or cause any animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment is upon such person's property or that of another, by opening any gate, door or window, by making an opening in any fence, enclosure or structure, or by unleashing such animal.

55.12 INTERFERENCE WITH OFFICIALS. It is unlawful for any person in any manner to interfere with any employee or designated representative of the City so as to hinder, delay or prevent the execution of duties by such person in relation to matters and things contained in these Animal Control Chapters.

55.13 CLEAN AND SANITARY CONDITIONS. It is unlawful for any person owning, controlling or caring for any animal to fail to keep in a clean and sanitary condition the premises and any pen, kennel, shelter, house or person's dwelling or other structure where the animal is at any time kept. At least once every 24 hours, or more often if odors or health problems arise, such person shall pick up any and all feces so as to prevent its accumulation and the same shall be properly disposed of. Feces shall be held in watertight and fly-tight containers pending disposal and shall be disposed of at least once weekly. The animal and place where the animal is maintained shall also be kept free of obnoxious odors and shall be maintained so as not to attract or permit the harborage or breeding of flies and other insects or rodents or other vermin. All animal food and water shall be stored and placed for the animal's consumption in such a manner so that it will not become food for rodents and other vermin.

55.14 CLEANUP AFTER ANIMALS. It is unlawful for any owner or person in charge of a dog, horse or other animal to fail to clean up and/or remove as soon as possible any excrement or droppings deposited by said dog or other animal on any real estate, whether privately or publicly owned. This applies equally to the owner's property; however, an exception shall be granted to farm property or large tracts of land used for agricultural purposes.

55.15 CONFINEMENT OF FEMALE DOGS IN HEAT. The owner of any female dog in heat shall confine said female dog in a building which is completely enclosed; or housed in a veterinary hospital or registered kennel; or within the owner's yard enclosed by a fence or other structure having a height of at least 42 inches. Nothing in this section, however, shall be construed as prohibiting any competent and responsible person from walking said dog with a leash, cord, chain or other similar restraint not more than 10 feet in length, or from transporting such dog within a motor vehicle.

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

(Code of Iowa, Sec. 351.33)

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

(Code of Iowa, Sec. 351.38)

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

(Code of Iowa, Sec. 351.39)

55.19 GENERAL QUARANTINE. The Mayor or Council may cause the quarantine of all domestic animals if deemed urgent and necessary for the immediate preservation of the public peace, health and safety or property or individuals, by resolution or proclamation, according to law.

55.20 TRAPPING AND SNARING. It is unlawful for any person to set traps or snares, use chemicals, explosives, smoking devices, mechanical ferrets, wires, tools, instruments, boxes or other devices to capture or kill fur-bearing animals, as such animals are defined in Section 481A.1(19) of the *Code of Iowa*, on or in property owned by the City. The provisions of this section do not apply to any person who is authorized in writing by the Mayor to trap animals, nor shall this section be construed to prohibit hunting at the "Lake La Shane" property.

55.21 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded, 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.

55.22 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven 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)

55.23 IMPOUNDING COSTS AND DISPOSAL FEES. The owner of any dog shall pay to the City the following fees in connection with impoundment and disposal:

1. Impoundment fees are \$25.00 for the first day or fraction thereof involving the first violation and \$15.00 for each additional day or fraction thereof, \$50.00 for the first day or fraction thereof involving the second violation, and \$15.00 for each additional day or fraction of a day thereafter. If, within a year's time, the same animal is impounded three or more times, said animal shall be declared to be a nuisance by the City Administrator and shall be destroyed.
2. When an owner requests that a dog or other small animal be picked up and disposed of, a fee for said service of \$25.00 and a release form duly signed by the owner must be filed with the City prior to disposal.
3. If a dead or badly injured animal is reported to the City and necessitates disposal with or without the owner's permission, a fee shall be charged to the owner of \$25.00 for each disposal.

55.24 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

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 event.
 - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
 - D. An inducement or condition for executing a contract which includes provisions unrelated to the ownership, care or disposition of the pet.
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.

55.25 PENALTIES. Any violation of a section of Chapter 55 not specifically having a penalty set out therein, shall be subject to a fine of \$100.00. *(Ord. 242 – Dec. 20 Supp.)*

55.26 TAMPERING WITH A RABIES VACCINATION TAG. It is unlawful to tamper with a rabies vaccination tag.

(Code of Iowa, Sec. 351.45)

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:
 - A. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in Section 351.35 of the *Code of Iowa*.

- B. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in Sections 351.25 and 351.26 of the *Code of Iowa*.
2. This section shall not apply to an act taken by any of the following:
 - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
 - B. A peace officer.
 - C. A veterinarian.
 - D. An animal shelter or pound.

(Section 55.26 – Ord. 247 – Dec. 20 Supp.)

55.27 TAMPERING WITH AN ELECTRONIC HANDLING DEVICE. It is unlawful to tamper with an electronic handling device.

(Code of Iowa, Sec. 351.46)

1. A person commits the offense of tampering with an electronic handling device if all of the following apply:
 - A. The person knowingly removes, disables, or destroys an electronic device designed and used to maintain custody or control of the dog or modify the dog's behavior.
 - B. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including (but not limited to) a collar, harness, or vest.
2. This section shall not apply to an act taken by any of the following:
 - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
 - B. A peace officer.
 - C. A veterinarian.
 - D. An animal shelter or pound.

(Section 55.27 – Ord. 247 – Dec. 20 Supp.)

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CHAPTER 56

DOG LICENSE REQUIRED

- 56.01 Annual License Required
- 56.02 License Fees
- 56.03 Delinquency
- 56.04 License Tags
- 56.05 License Records

- 56.06 Duplicate Tags
- 56.07 Transfers of Licensed Dogs
- 56.08 Delinquency
- 56.09 Exception to License Requirements

56.01 ANNUAL LICENSE REQUIRED.

1. Every owner of a dog over the age of six months shall annually obtain a dog license from the Clerk on or before January 1 of each year.
2. Such license may be procured on or before January 1 of each year and at any time for a dog which has come into the possession or ownership of the applicant or which has reached the age of six months.
3. The owner of a dog for which a license is required shall apply to the Clerk on forms provided by the Clerk.
4. The form of the application shall state the breed, sex, age, color, markings, and name, if any, of the dog, and the address of the owner and shall be signed by the owner. The application shall also state the date of the most recent rabies vaccination, the type of vaccine administered and the date the dog shall be revaccinated.
5. All licenses shall expire on January 1 of the year following the date of issuance.

56.02 LICENSE FEES. The annual license fees are as follows:

1. Male or female (unaltered)..... \$ 10.00
2. Spayed female dog or neutered male dog
(incapable of reproduction)..... \$ 5.00

A certificate issued by a licensed veterinarian must accompany all applications claiming an animal is spayed or neutered. Dog owners who are 65 years of age or older and who submit proof of such age may, upon application for a dog license, be entitled to a reduction of 50 percent of the cost of the first license. The fee for more than one dog license shall be at the regular rate. A dog owner who is classified as legally blind and who applies for a dog license qualifies for a waiver of the annual license fee.

56.03 DELINQUENCY. All license fees shall become delinquent on March 1 of the year in which they are due and a delinquent penalty of \$1.00 per month or fraction thereof shall be added to each unpaid license on and after said date.

56.04 LICENSE TAGS. Upon receipt of the application and fee, the Clerk shall deliver or mail to the owner a license which shall be in the form of a metal tag. The license tag shall be securely fastened by the owner to a substantial collar which shall be worn at all times by the dog for which issued. A license issued for one dog shall not be transferable to another dog. Upon the expiration of the license the owner shall remove said tag from the dog.

56.05 LICENSE RECORDS. The Clerk shall keep a book to be known as the record of licenses which shall show:

1. The serial number and date of each application for a license.
2. The description of the dog as specified in the application, together with the name of the owner of the dog.
3. The date when each license tag is issued and the serial number of each tag, the date of the most recent rabies vaccination, the type of vaccine administered, and the date the dog shall be revaccinated.
4. The amount of all fees paid.

56.06 DUPLICATE TAGS. Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of \$1.00. The Clerk shall enter in the license record the new number assigned.

56.07 TRANSFERS OF LICENSED DOGS. Upon transfer of a licensed dog into the City, the owner shall surrender the original license tag to the Clerk. The Clerk shall preserve the surrendered tag and, without a license fee, issue a new license tag. When the permanent ownership of a dog is transferred, the license may be transferred by the Clerk, upon notification, by notation on the license record, giving name and address of the new owner.

56.08 DELINQUENCY. During March of each year the Council may take such appropriate action as deemed necessary for the collection of any delinquent fees and penalties.

56.09 EXCEPTIONS TO LICENSE REQUIREMENTS. The requirements for licensing dogs do not apply if:

1. An animal is in transit through the City only.
2. The owner is in the first 30 days of residency in the City.
3. The animal is housed in a veterinary hospital, housed temporarily in an animal grooming shop, housed in an established licensed kennel or in an accredited institution for research purposes only.

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CHAPTER 57

DANGEROUS ANIMALS

57.01 Definitions

57.02 Keeping of Dangerous Animals Prohibited

57.03 Seizure, Impoundment and Disposition of Dangerous Animals

57.04 Penalties

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

1. “Dangerous animal” means any animal that:
 - A. Causes a serious injury to a person or domestic animal.
 - B. Has been designated as a potentially dangerous animal.
 - C. Is prohibited and regulated by Chapter 717F of the *Code of Iowa*.
2. “Impound” means taken into custody by the City.
3. “Owner” means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.
4. “Potentially dangerous animal” means an animal that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:
 - A. Causing an injury to a person or domestic animal on public or private property that is less severe than a serious injury.
 - B. Without provocation, chases or approaches a person, a domestic animal or a wheeled conveyance other than a car or a truck upon the streets, sidewalks, or any public or private property, in an apparent attitude of attack; or has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
 - C. Running at large, impounded, or owner cited by the City or law enforcement to enforce the potentially dangerous or dangerous animal law two or more times within any 12-month period.
 - D. Acts in a highly aggressive manner within a fenced yard/enclosure and appears able to escape.
5. “Proper enclosure” of a potentially dangerous or dangerous animal requires:
 - A. The animal is securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides or, in lieu of a top, walls of sufficient height that the animal cannot escape.
 - B. Any pen, kennel, or other structure designed, constructed, or used to confine a potentially dangerous or dangerous animal must be locked with a key or combination lock when such animal is within.

6. “Provocation” means that the threat, injury, or damage caused by the animal was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

7. “Responsible person” means a person at least 18 years old who is able to keep the animal under complete control at all times.

8. “Serious injury” means any physical injury to a human being caused by an animal resulting in a fracture, muscle tears, or lacerations or requires multiple sutures or corrective or cosmetic surgery.

57.02 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor any dangerous animal or potentially dangerous animal as a pet, or act as a custodian for such animal, temporarily or otherwise, or keep such animal for any purpose or in any capacity within the City, except within a proper enclosure as outlined in Section 57.01(5). Species of dangerous wild animals as defined in Section 717F.1(5)(a) of the *Code of Iowa* are not allowed in the City limits except as permitted by Chapter 717F.7 of the *Code of Iowa*.

57.03 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS. Dangerous animals shall be dealt with in the following manner:

1. In the event that a dangerous animal or potentially dangerous animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the Police Chief, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal or potentially dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

2. Upon the complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal or potentially dangerous animal on premises in the City, the Police Chief shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering, or harboring a dangerous animal or potentially dangerous animal in the City, and the enclosure for the animal does not meet the standards for a proper enclosure outlined in Section 57.01(5), the Police Chief shall order the person named in the complaint to safely remove such animal from the City or destroy such animal in a humane manner within three days of the receipt of such order. Such order shall be contained in a notice to remove the animal, which notice shall be given in writing to the person keeping, sheltering, or harboring the animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal or potentially dangerous animal shall not be required where such animal has previously caused serious physical harm or death to any person, in which case the Police Chief shall cause the animal to be immediately seized and impounded or destroyed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

3. The order to remove such dangerous or potentially dangerous animal issued by the Police Chief may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three days after receipt of the order contained in the notice to remove the dangerous animal or potentially dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the Police Chief.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of the notice of appeal. After such hearing, the Council may affirm or reverse the order of the Police Chief. Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing or any continued session thereof.

5. If the Council affirms the action of the Police Chief, the Council shall order in its written decision that the person owning, sheltering, harboring, or keeping such dangerous or potentially dangerous animal remove such animal from the City or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the Police Chief is not appealed and is not complied with within three days of its issuance, or if the order of the Council after appeal is not complied with within three days of its issuance, the Police Chief is authorized to seize and impound such animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the decision and order of the Council was issued has not petitioned the District Court for a review of said order, the City shall cause the animal to be disposed of by sale or destroy such animal in a humane manner.

6. Failure to comply with an order of the Council issued pursuant hereto shall constitute a violation of this Code of Ordinances.

7. Any animal found at large which displays dangerous tendencies may be processed as a dangerous animal pursuant to the foregoing, unless the animal is so dangerous that it cannot safely be apprehended, in which case the Police Chief may immediately destroy it.

8. No provision in this chapter shall be construed as impeding the requirement of law enforcement personnel to protect any person from immediate threat from a dangerous or potentially dangerous animal, using whatever means are available and necessary to protect the health and safety of the officer or other person.

9. Any animal that is alleged to be dangerous or potentially dangerous and which is under impoundment or quarantine shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be dangerous or potentially dangerous. If the animal is not determined to be dangerous or potentially dangerous, such impoundment or quarantine shall be paid by the City.

57.04 PENALTIES. Any violation of a section of Chapter 57 not specifically having a penalty set out therein, shall be subject to a fine of \$100.00. *(Ord. 243 – Dec. 20 Supp.)*

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CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title	60.05 Traffic Accidents: Reports
60.02 Definitions	60.06 Peace Officer's Authority
60.03 Administration and Enforcement	60.07 Obedience to Peace Officers
60.04 Power to Direct Traffic	60.08 Parades Regulated

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the "Lamoni 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 following described area:
Starting at the intersection of Cherry Street and Eighth Street; thence west three blocks along Eighth Street to the intersection of Eighth Street and Chestnut Street; thence south three blocks along Chestnut Street to the intersection of Chestnut Street and Third Street; thence east one block along Third Street to the intersection of Third Street, Linden Street and College Avenue; thence southeasterly two blocks along College Avenue to the intersection of College Avenue and Cherry Street; thence north four blocks along Cherry Street to the point of beginning, including said boundary streets.
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 40 percent or more of the frontage on such a highway for a distance of 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 200 feet in either direction from a school house.
6. "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
7. "Stop" means when required, the complete cessation of movement.
8. "Stop" or "stopping" means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with

other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.

9. “Suburban district” means all other parts of the City not included in the business, school or residence districts.

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

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

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

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

60.04 POWER TO DIRECT TRAFFIC. A peace officer, and, in the absence of a peace officer, any officer of the fire 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)

60.08 PARADES REGULATED. No person shall conduct or cause any parade on any street except as provided herein:

1. “Parade” Defined. “Parade” means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.

2. Permit Required. No parade shall be conducted without first obtaining a written permit from the Mayor. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit.
3. Parade Not a Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.
4. Control By Police and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the fire department.

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CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Installation
61.02 Crosswalks
61.03 Traffic Lanes

61.04 Standards
61.05 Compliance

61.01 INSTALLATION. The Street Supervisor 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 Street Supervisor shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

61.02 CROSSWALKS. The Street Supervisor 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 Street Supervisor is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic code of the City. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

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

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

(Code of Iowa, Sec. 321.255)

61.05 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer, 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 Jake 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 321.32 – Registration card, carried and exhibited; exception.
3. Section 321.37 – Display of plates.
4. Section 321.38 – Plates, method of attaching, imitations prohibited.
5. Section 321.57 – Operation under special plates.
6. Section 321.67 – Certificate of title must be executed.
7. Section 321.78 – Injuring or tampering with vehicle.
8. Section 321.79 – Intent to injure.
9. Section 321.91 – Penalty for abandonment.
10. Section 321.98 – Operation without registration.
11. Section 321.99 – Fraudulent use of registration.
12. Section 321.104 – Penal offenses against title law.
13. Section 321.115 – Antique vehicles; model year plates permitted.
14. Section 321.174 – Operators licensed.
15. Section 321.174A – Operation of motor vehicles with expired license.
16. Section 321.180 – Instruction permits.
17. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
18. Section 321.193 – Restricted licenses.
19. Section 321.194 – Special minor’s licenses.
20. Section 321.208A – Operation in violation of out-of-service order.
21. Section 321.216 – Unlawful use of license and nonoperator’s identification card.
22. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.

23. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.
24. Section 321.218 – Operating without valid driver’s license or when disqualified.
25. Section 321.219 – Permitting unauthorized minor to drive.
26. Section 321.220 – Permitting unauthorized person to drive.
27. Section 321.221 – Employing unlicensed chauffeur.
28. Section 321.222 – Renting motor vehicle to another.
29. Section 321.223 – License inspected.
30. Section 321.224 – Record kept.
31. Section 321.232 – Speed detection jamming devices; penalty.
32. Section 321.234A – All-terrain vehicles.
33. Section 321.235A – Electric personal assistive mobility devices.
34. Section 321.247 – Golf cart operation on City streets.
35. Section 321.257 – Official traffic control signal.
36. Section 321.259 – Unauthorized signs, signals or markings.
37. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
38. Section 321.262 – Damage to vehicle.
39. Section 321.263 – Information and aid.
40. Section 321.264 – Striking unattended vehicle.
41. Section 321.265 – Striking fixtures upon a highway.
42. Section 321.266 – Reporting accidents.
43. Section 321.275 – Operation of motorcycles and motorized bicycles.
44. Section 321.276 – Use of electronic communication device while driving; text-messaging.
45. Section 321.277 – Reckless driving.
46. Section 321.277A – Careless driving.
47. Section 321.278 – Drag racing prohibited.
48. Section 321.281 – Actions against bicyclists.
49. Section 321.284 – Open container; drivers.
50. Section 321.284A – Open container; passengers.
51. Section 321.288 – Control of vehicle; reduced speed.
52. Section 321.295 – Limitation on bridge or elevated structures.
53. Section 321.297 – Driving on right-hand side of roadways; exceptions.
54. Section 321.298 – Meeting and turning to right.

55. Section 321.299 – Overtaking a vehicle.
56. Section 321.302 – Overtaking and passing.
57. Section 321.303 – Limitations on overtaking on the left.
58. Section 321.304 – Prohibited passing.
59. Section 321.306 – Roadways laned for traffic.
60. Section 321.307 – Following too closely.
61. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
62. Section 321.309 – Towing; convoys; drawbars.
63. Section 321.310 – Towing four-wheel trailers.
64. Section 321.312 – Turning on curve or crest of grade.
65. Section 321.313 – Starting parked vehicle.
66. Section 321.314 – When signal required.
67. Section 321.315 – Signal continuous.
68. Section 321.316 – Stopping.
69. Section 321.317 – Signals by hand and arm or signal device.
70. Section 321.318 – Method of giving hand and arm signals.
71. Section 321.319 – Entering intersections from different highways.
72. Section 321.320 – Left turns; yielding.
73. Section 321.321 – Entering through highways.
74. Section 321.322 – Vehicles entering stop or yield intersection.
75. Section 321.323 – Moving vehicle backward on highway.
76. Section 321.323A – Approaching certain stationary vehicles.
77. Section 321.324 – Operation on approach of emergency vehicles.
78. Section 321.324A – Funeral processions.
79. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
80. Section 321.330 – Use of crosswalks.
81. Section 321.332 – White canes restricted to blind persons.
82. Section 321.333 – Duty of drivers approaching blind persons.
83. Section 321.340 – Driving through safety zone.
84. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.
85. Section 321.342 – Stop at certain railroad crossings; posting warning.
86. Section 321.343 – Certain vehicles must stop.
87. Section 321.344 – Heavy equipment at crossing.

88. Section 321.344B – Immediate safety threat; penalty.
89. Section 321.354 – Stopping on traveled way.
90. Section 321.359 – Moving other vehicle.
91. Section 321.362 – Unattended motor vehicle.
92. Section 321.363 – Obstruction to driver’s view.
93. Section 321.364 – Vehicles shipping food; preventing contamination by hazardous material.
94. Section 321.365 – Coasting prohibited.
95. Section 321.367 – Following fire apparatus.
96. Section 321.368 – Crossing fire hose.
97. Section 321.369 – Putting debris on highway.
98. Section 321.370 – Removing injurious material.
99. Section 321.371 – Clearing up wrecks.
100. Section 321.372 – School buses.
101. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
102. Section 321.381A – Operation of low-speed vehicles.
103. Section 321.382 – Upgrade pulls; minimum speed.
104. Section 321.383 – Exceptions; slow vehicles identified.
105. Section 321.384 – When lighted lamps required.
106. Section 321.385 – Head lamps on motor vehicles.
107. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
108. Section 321.387 – Rear lamps.
109. Section 321.388 – Illuminating plates.
110. Section 321.389 – Reflector requirement.
111. Section 321.390 – Reflector requirements.
112. Section 321.392 – Clearance and identification lights.
113. Section 321.393 – Color and mounting.
114. Section 321.394 – Lamp or flag on projecting load.
115. Section 321.395 – Lamps on parked vehicles.
116. Section 321.398 – Lamps on other vehicles and equipment.
117. Section 321.402 – Spot lamps.
118. Section 321.403 – Auxiliary driving lamps.
119. Section 321.404 – Signal lamps and signal devices.
120. Section 321.404A – Light-restricting devices prohibited.
121. Section 321.405 – Self-illumination.

122. Section 321.408 – Back-up lamps.
123. Section 321.409 – Mandatory lighting equipment.
124. Section 321.415 – Required usage of lighting devices.
125. Section 321.417 – Single-beam road-lighting equipment.
126. Section 321.418 – Alternate road-lighting equipment.
127. Section 321.419 – Number of driving lamps required or permitted.
128. Section 321.420 – Number of lamps lighted.
129. Section 321.421 – Special restrictions on lamps.
130. Section 321.422 – Red light in front.
131. Section 321.423 – Flashing lights.
132. Section 321.430 – Brake, hitch, and control requirements.
133. Section 321.431 – Performance ability.
134. Section 321.432 – Horns and warning devices.
135. Section 321.433 – Sirens, whistles, and bells prohibited.
136. Section 321.434 – Bicycle sirens or whistles.
137. Section 321.436 – Mufflers, prevention of noise.
138. Section 321.437 – Mirrors.
139. Section 321.438 – Windshields and windows.
140. Section 321.439 – Windshield wipers.
141. Section 321.440 – Restrictions as to tire equipment.
142. Section 321.441 – Metal tires prohibited.
143. Section 321.442 – Projections on wheels.
144. Section 321.444 – Safety glass.
145. Section 321.445 – Safety belts and safety harnesses; use required.
146. Section 321.446 – Child restraint devices.
147. Section 321.449 – Motor carrier safety regulations.
148. Section 321.449A – Rail crew transport drivers.
149. Section 321.450 – Hazardous materials transportation.
150. Section 321.454 – Width of vehicles.
151. Section 321.455 – Projecting loads on passenger vehicles.
152. Section 321.456 – Height of vehicles; permits.
153. Section 321.457 – Maximum length.
154. Section 321.458 – Loading beyond front.
155. Section 321.460 – Spilling loads on highways.
156. Section 321.461 – Trailers and towed vehicles.

- 157. Section 321.462 – Drawbars and safety chains.
- 158. Section 321.463 – Maximum gross weight.
- 159. Section 321.465 – Weighing vehicles and removal of excess.
- 160. 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 JAKE BRAKES.

1. Purpose. The purpose of this ordinance is to prohibit excessive, loud, unusual or explosive and compressed air-braking devices within the designated areas in the City of Lamoni, Iowa.
2. Definitions. For the purposes of this ordinance the following words and phrases are defined as follows: “Engine retarding brake” means a “Dynamic Brake,” “Jake Brake,” Jacobs Brake,” “C-Brake,” Paccar Brake,” transmission brake or any other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression.
3. Prohibition. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within designated areas in the incorporated area of the City of Lamoni, Iowa, any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, unless such use is necessary to avoid imminent danger. Such prohibition shall be applicable only to those

public highways or portions specifically identified by signs giving notice of said prohibition contained in this ordinance.

4. Signs. Signs stating “VEHICLE NOISE LAWS ENFORCED” or ENGINE BRAKE ORDINANCE ENFORCED” may be installed at locations deemed appropriate by the officials of the City of Lamoni, Iowa to advise motorists of the prohibitions contained in this ordinance, except that no sign stating “VEHICLE NOISE LAWS ENFORCED” or ENGINE BRAKE ORDINANCE ENFORCED” shall be installed on a state highway without a permit or other valid authorization from the Iowa Department of Transportation. The provisions of this ordinance shall be in full force and effect even if no signs are installed.

5. Exemption. Emergency vehicles shall be exempt from the application of this ordinance.

6. Penalty. A violation of this ordinance shall be subject to a “scheduled fine” of \$100.00 and is payable to the City Clerk, 190 S. Chestnut, Lamoni, Iowa.

(Section 62.07 – Ord. 232 – Oct. 18 Supp.)

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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 – 20 miles per hour.
2. Residence or School District – 25 miles per hour.
3. Suburban District – 45 miles per hour.

63.03 PARKS, CEMETERIES AND PARKING LOTS. A speed in excess of 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 25 MPH Speed Zones. A speed in excess of 25 miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On Mason Street from Second Street South to Orchard Street.
 - B. On Forest Street from Mason Street West to Fayette Street.
 - C. On South Street from Mason Street West to Fayette Street.
 - D. On Fayette Street from Forest Street South to Orchard Street.
 - E. The speed limit of all vehicles shall not exceed 25 miles per hour on College Avenue, from South Linden St., East to the terminus of College Ave.

(1) Any person who is adjudged guilty of violating the provisions of this ordinance shall be fined in accordance with the *State of Iowa Compendium of Scheduled Violations and Scheduled Fines*.

(Subsection E – Ord. 224 – Oct. 18 Supp.)

2. Special 30 MPH Speed Zones. A speed in excess of 30 miles per hour is unlawful on any of the following designated streets or parts thereof.

- A. College Avenue from Cherry Street to Cedar Street.
- B. Lake LeShane Road.

3. Special 35 MPH Speed Zones. A speed in excess of 35 miles per hour is unlawful on any of the following designated streets or parts thereof.

- A. Main Street and Highway 69: Starting at a point 100 feet east of the intersection of Main Street and Smith Street and extending west along Main Street and Highway 69 to 50 feet west of Ferguson Street.
- B. State Street and Highway 69: Starting 100 feet south of the intersection of State Street and West Fourth Street and extending south along State Street and Highway 69 to 100 feet south of Orchard Street.
- C. West on Main Street. Starting at a point 140 feet east of the intersection of Main Street and Mulberry Street and extending west along Main Street a distance of 1,390 feet.
- D. The speed limit of all vehicles shall not exceed 35 miles per hour on Smith Street, from East Main Street, South to the City limits.

(1) Any person who is adjudged guilty of violating the provisions of this ordinance shall be fined in accordance with the *State of Iowa Compendium of Scheduled Violations and Scheduled Fines*.

(Subsection D – Ord. 223 – Oct. 18 Supp.)

4. Special 45 MPH Speed Zones. A speed in excess of 45 miles per hour is unlawful on any of the following designated streets or parts thereof.

- A. South on State Street and Highway 69: Starting at a point 100 feet south of the intersection of State Street and Orchard Street and extending south along State Street and Highway 69 to 600 feet south of Lincoln Street.
- B. North on State Street - Road to Kellerton: Starting 1,320 feet north of the intersection of State Street and Tenth Street and extending north along State Street to the corporate limits.
- C. West on Main Street: Starting at a point 1,390 feet west of the intersection of Main Street and Mulberry Street and extending west along Main Street to the corporate limits.
- D. East on Main Street and Highway 69: Starting 100 feet east of the intersection of Main Street and Smith Street and extending east along Main Street to the highway marker Station 315.

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

64.01 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. At the intersection of Main Street and Linden Street.
2. At the intersection of Main Street and Maple Street.
3. At the intersection of Main Street and Chestnut Street.

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CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Through Streets – Stop

65.02 Stop Required

65.03 Three-Way Stoop Intersections

65.04 Four-Way Stop Intersections

65.05 School Stops

65.06 Stop Before Crossing Sidewalk

65.07 Stop When Traffic Is Obstructed

65.08 Yield to Pedestrians in Crosswalks

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

(Code of Iowa, Sec. 321.345)

1. Main Street from the east City limits to the west City limits, when traveling west.
2. Main Street from the west City limits to State Street and from State Street to the east City limits when traveling east.
3. State Street from the south City limits to Main Street.
4. Tenth Street from State Street to Orange Street.
5. Maple Street from Main Street to Tenth Street.
6. Second Street from Mason Street to State Street.
7. Third Street from State Street to Linden Street.
8. South Street from State Street to Cherry Street.
9. Cherry Street from Main Street to Tenth Street.
10. Linden Street from Main Street to Tenth Street.
11. Walnut Street from Tenth Street to Main Street.
12. Orchard Street from the west City limits to State Street.
13. Linden Street from South Street to Main Street.
14. Cedar Street from Main Street to College Avenue.
15. Oak Street from Main Street to Ackerly Street.
16. Ackerly Street from Oak Street to Smith Street.
17. Maple Street from Main Street to College Avenue.
18. Maple Street from College Avenue to South Street.
19. College Avenue from Linden Street to College Street.
20. Silver Street from Main Street to Second Street.
21. Seventh Street from N. State Street to N. Silver Street.
22. Ferguson Street from Main Street to Second Street.
23. Ferguson Street from Eighth Street to Tenth Street.

24. Smith Street from Main Street to Southwoods Road.
25. West Main Street from State Street to Missouri Street.
26. Mason Street from Second Street to Orchard Street.
27. Elm Street from Tenth Street to Main Street.
28. Third Street from State Street to Silver Street.
29. Silver Street from Main Street to Seventh Street.
30. Chestnut Street from Main Street to Third Street.
31. Chestnut Street from Third Street to South Street.
32. Willow Street from Main Street to Second Street.
33. Southwoods Road from Smith Street to State Street.
34. Southwoods Road from State Street to Missouri Street.
35. Forest Street from Mason Street to Fayette Street.
36. South Street from Mason Street to Fayette Street.
37. Spruce Drive from Main Street to Second Street.
38. Birch Lane from Main Street to Second Street.
39. Fourth Street from Smith Street to Pine Street.
40. Eighth Street from Cherry Street to Orange Street.
41. Prairie Street from Orchard Street to Lincoln Street.
42. Lincoln Street from Prairie Street to State Street.
43. Bobbit Drive from State Street to Linden Street.
44. Clark Street from Main Street to Seventh Street.
45. Fourth Street from State Street to Chestnut Street.
46. Fourth Street from State Street to Silver Street.
47. Mulberry Street from Main Street to Second Street.
48. Mulberry Street from Main Street to Seventh Street.
49. South Street from South Linden to South State Street.

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

(Code of Iowa, Sec. 321.345)

1. Zions Ridge. Vehicles traveling east on Zions Ridge shall stop at Ferguson Street.
2. Walnut Street. Vehicles traveling south on Walnut Street shall stop at Tenth Street.
3. Condit Drive. Vehicles traveling west on Condit Drive shall stop at State Street.
4. Elm Street. Vehicles traveling north on Elm Street shall stop at Condit Drive.

5. Wion Way. Vehicles traveling east on Wion Way shall stop at Spruce Drive.
6. Airport Road. Vehicles traveling south on Airport Road shall stop at Main Street.
7. Golf Ridge. Vehicles traveling east on Golf Ridge shall stop at Smith Street.
8. Linden Street. Vehicles traveling south on Linden Street shall stop at Tenth Street.
9. Condit Drive. Vehicles traveling east on Condit Drive shall stop at Bobbit Drive.
10. Entrance to Funshine Learning Center. Vehicle traveling west on the entrance to Funshine Learning Center shall stop at North Walnut Street.

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

(Code of Iowa, Sec. 321.345)

1. Vehicles approaching the intersection of College Avenue, Third Street and Linden Street from the east, west and south.

65.04 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 University Place and College Avenue.

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

(Code of Iowa, Sec. 321.249)

1. Intersection of North Walnut Street and West Ninth Street.
2. Intersection of North Walnut Street and West Eighth Street.
3. Intersection of North Walnut Street and Ninth Street.
4. Intersection of North Walnut Street and Eighth Street.

65.06 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving 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)

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

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

(Code of Iowa, Sec. 321.327)

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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 Route

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 Clerk may, upon application and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by State law or 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)

1. Lincoln Street. Five-ton limit from South State Street to Bobbit Drive.
2. Bobbit Drive. Five-ton limit from Lincoln Street to South Street.
3. South Street. Five-ton limit from South State Street to Linden Street.
4. Pine Street. Five-ton limit from Main Street to Crown Colony Complex.
5. Second Street. Five-ton limit from South State Street to South Chestnut Street.
6. Fourth Street. Five-ton limit from South State Street to South Chestnut Street.

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

(Code of Iowa, Sec. 321.471)

66.05 TRUCK ROUTE. Truck route regulations are established as follows:

1. Truck Routes Designated. Every motor vehicle weighing 15 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. Main Street from Interstate 35 to Missouri Street.
- B. State Street from Main Street to South City limits.

2. Deliveries Off Truck Route. Any motor vehicle weighing 15 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)

3. 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. Walnut Street shall be southbound only from West Main Street to West Tenth Street.
2. Linden Street shall be northbound only from Main Street to Tenth Street.

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CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb	69.08 No Parking Zones
69.02 Parking on One-Way Street	69.09 All Night Parking Prohibited
69.03 Angle Parking	69.10 Emergency Parking
69.04 Manner of Angle Parking	69.11 Truck Parking Limited
69.05 Parking for Certain Purposes Illegal	69.12 Parking Limited
69.06 Parking Prohibited	69.13 Snow Removal
69.07 Persons With Disabilities Parking	

69.01 PARK ADJACENT TO CURB.

1. Except as otherwise designated in Sections 69.03, 69.08, 69.09, 69.10, 69.11 and 69.12, on all north-south streets within the City upon which an integral curb and gutter have been provided, vehicle parking shall be on the west side of the street with the right-hand wheels of the vehicle parallel to and within 18 inches of the west curb facing south, and there shall be no parking on the east side of said north-south streets.
2. Except as otherwise designated in Sections 69.03, 69.08, 69.09, 69.10, 69.11 and 69.12, on all east-west streets within the City upon which an integral curb and gutter have been provided, vehicle parking shall be on the south side of the street with the right-hand wheels of the vehicle parallel to and within 18 inches of the south curb facing east, and there shall be no parking on the north side of said east-west streets.
3. On streets where no curb and gutter are provided, 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 18 inches of the edge of the roadway except as hereinafter provided.

69.02 PARKING ON 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 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. Linden Street on both sides from Fourth Street to Main Street.
2. Linden Street on both sides from Main Street to Eighth Street.
3. Main Street on the north side between Maple Street and Walnut Street.
4. Main Street on the south side between Maple Street and Chestnut Street.
5. Chestnut Street on both sides between Main Street and Eighth Street.
6. Cherry Street on both sides between Main Street and Fourth Street.

7. Maple Street on the west side between Main Street and the first alley south of Main Street.
8. Ninth Street on the north side between Maple Street and the first alley west of Maple Street.

69.04 MANNER OF ANGLE PARKING. Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle, or the load thereon, when parked within a diagonal parking district, shall extend into the roadway more than a distance of 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 72 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 20 feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, Sec. 321.236[1])
4. Sidewalks. On or across a sidewalk.
(Code of Iowa, Sec. 321.358[1])
5. Driveway. In front of a public or private driveway.
(Code of Iowa, Sec. 321.358[2])
6. Intersection. Within an intersection or within 10 feet of an intersection of any street or alley.

(Code of Iowa, Sec. 321.358[3])

7. Fire Hydrant. Within five feet of a fire hydrant.
(Code of Iowa, Sec. 321.358[4])
8. Stop Sign or Signal. Within 10 feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, Sec. 321.358[6])
9. Fire Station. Within 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 75 feet of said entrance when properly sign posted.
(Code of Iowa, Sec. 321.358[9])
10. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
(Code of Iowa, Sec. 321.358[10])
11. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
(Code of Iowa, Sec. 321.358[11])
12. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the 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])
13. Churches, Nursing Homes and Other Buildings. A space of 50 feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than 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)
14. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is 18 feet wide or less; provided said vehicle is parked to deliver goods or services.
(Code of Iowa, Sec. 321.236[1])
15. 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])
16. 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.
17. 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 which 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. North Elm Street on the east side from Main Street to Tenth Street.
2. Linden Street on the east side from College Avenue to South Street.
3. All of College Avenue.
4. Eighth Street on the south side between Walnut Street and Chestnut Street.
5. Main Street on the south side from the west City limits to Chestnut Street and from Maple Street to the east City limits.
6. Main Street on the north side from the west City limits to Walnut Street and from Maple Street to the east City limits.
7. South State Street on both sides from Main Street to the south City limits.

8. The first 95 feet on the west side of South Cedar Street commencing at the north edge of College Avenue.
9. The first 71 feet on the west side of South Cedar Street commencing at the north edge of Lakeview Drive.
10. The first 20 feet on the west side of South Cedar Street commencing at the south edge of Lakeview Drive.
11. The first 51 feet on the east side of North Maple Street commencing at the north edge of East Main Street.
12. South Ferguson Street on the west side from East Main Street to Zion's Ridge Street.
13. East Second Street on both sides from Cedar Street to Oak Street.
14. North Walnut Street on the west side from West Eighth Street to West Tenth Street. This restriction shall not apply to the stopping or standing of vehicles engaged in the loading and unloading of persons in a loading or unloading zone, provided the driver of the vehicle remains seated behind the steering wheel of the vehicle with the engine running. This restriction shall not apply to bus loading and unloading.
15. North Walnut Street on the west side.
16. North Walnut Street on the east side from West Eighth Street north to the driveway serving Lamoni Funshine Daycare Center, during the hours of 7:00 a.m. through 6:00 p.m. on school days.
17. North Elm Street on the west side from West Main Street/US Hwy 69 to West Tenth Street, during the hours of 7:00 a.m. through 6:00 p.m. on school days.
18. North Elm Street on the east side from West Main/US Hwy 69 to West Tenth Street. This restriction shall not apply to the stopping or standing of vehicles engaged in the loading and unloading of persons in a loading or unloading zone, provided the driver of the vehicle remains seated behind the steering wheel of the vehicle with the engine running. This restriction shall not apply to bus loading and unloading.

69.09 ALL NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any of the following named streets for a period of time longer than 15 minutes between the hours of 2:30 a.m. and 6:00 a.m. of any day.

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

1. Main Street on both sides from Maple Street to Walnut Street.
2. Linden Street on both sides from Fourth Street to Eighth Street.

69.10 EMERGENCY PARKING. No person, except physicians or other persons operating emergency vehicles, shall park a vehicle in the following locations:

1. On either side of University Place from Smith Street to the terminus of University Place at Graceland University.
2. On the north or east side of any street not having a curb and gutter and which streets have a traveled portion of less than 27 feet in width.

69.11 TRUCK PARKING LIMITED. No person shall park a motor truck, semi-trailer, dump truck or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pickup, light delivery or panel delivery trucks.

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

1. Business District. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the prohibited area, no person shall park or leave unattended such vehicle, on any of the following designated streets. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.

A. Linden Street, on both sides, from Fourth Street to Eighth Street.

B. North Maple Street, on both sides, from Main Street to Eighth Street.

2. Residential Streets. No such vehicle shall be left unattended or parked upon any residential streets or alleys.

3. Noise. No such vehicle shall be left standing or parked upon any public or private parking lot, between the hours of 11:00 p.m. and 5:00 a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds:

A. Within an area zoned R-1 Residential District, R-2 Residential District and S-1 Suburban District.

B. Within an area zoned B-1, Business District, M-1 Industrial District and M-2 Industrial District, except for those vehicles that are standing or parked upon any business parking lot and are engaged in preparing to load or unload or are loading or unloading in the usual and ordinary course of said business.

There is no restriction on the operation of engines or auxiliary engines of motor vehicles within an area zoned M-3 Industrial or M-4 Industrial.

4. Livestock. No such vehicle containing livestock shall be parked on any street, alley or highway for a period of time of more than 30 minutes.

69.12 PARKING LIMITED. During the school year, parking is permitted on North Elm Street on the west side between Eighth Street and Ninth Street only between the hours of 5:00 p.m. and 7:00 a.m.

69.13 SNOW REMOVAL. For the purpose of facilitating the removal of snow from the streets and making it possible to keep the streets open and free from obstructions, the following limitations and restrictions are hereby imposed in addition to all other existing parking restrictions and are applicable to all public streets within the City. No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned or leased off-street parking area when a winter storm watch or warning has been declared by the National Weather Service, unless snow has already been removed or plowed from said street, alley, or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation throughout the duration of the snow or ice storm and the 24-period after cessation of such storm except as above provided upon streets, which have been fully opened. Such emergency may be extended or shortened when conditions warrant. A snow emergency parking ban shall not be enforced in the downtown area between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday. The downtown area is described as

that territory bounded by Chestnut Street on the West, Maple Street on the East, Fourth Street on the South and Eighth Street on North.

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CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation

70.02 Scheduled Violations

70.03 Parking Violations

70.04 Contested Parking Violations

70.05 Parking Violations: Vehicle Unattended

70.06 Presumption in Reference to Illegal Parking

70.07 Tow-Away Zone

70.08 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 which are designated by Section 805.8A of the *Code of Iowa* to be scheduled violations, the scheduled fine for each of those violations (except parking 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. 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, City Hall, 190 S. Chestnut Street, Lamoni, Iowa. The fine shall be imposed as follows:

Snow Ordinance Violation	\$50.00 fine
Parking Ordinance Violation	\$25.00 fine
Handicapped Parking Violation	\$fine as set in State Compendium

All of said fines are due no later than the thirtieth day following the date said citations are issue if not paid within 30 days, it shall be increased by \$5.00.

(Code of Iowa, Sec. 321.236[1b] & 321L.4[2])

(Sec. 70.03 – Ord. 238 – Dec. 20 Supp.)

70.04 CONTESTED PARKING VIOLATIONS. If the registered owner or driver of the cited vehicle wants to contest the legality of the parking citation, a not guilty plea shall be filed, in writing, at the office of the City Clerk, 190 S. Chestnut, Lamoni, Iowa, on a form to be provided by the City Clerk. Hearing on said not guilty plea shall be before the City Council, said hearing to be set not less than 20 days after the filing of the plea of not guilty.

70.05 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.

70.06 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.

70.07 TOW-AWAY ZONE. The entire City of Lamoni, Iowa, is declared to be a tow-away zone for violators of the Traffic Code.

70.08 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 any garage or place designated 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, said vehicle is declared to constitute a 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, within a reasonable time, the owner shall be given an opportunity to remove the vehicle.

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

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

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

6. Costs and Fines to Be Paid Before Release of Impounded Vehicle. Before any vehicle shall be released from impoundment under this chapter, all fines, costs for said vehicle, including any unpaid fines for said vehicle, shall be paid in full to the City. A receipt will be issued by the City Clerk, which receipt, when presented to the person or company impounding said vehicle, shall constitute authority to release the vehicle upon payment of towing and impoundment fees.

7. Unpaid Parking Fine. A vehicle found within the corporate limits of the City which was previously found to be in violation of parking restrictions imposed by this Code of Ordinances and the fine associated therewith remains unpaid after the due date.

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CHAPTER 75

BICYCLE REGULATIONS

75.01 Scope of Regulations	75.08 Riding on Sidewalks
75.02 Traffic Code Applies	75.09 Towing
75.03 Double Riding Restricted	75.10 Improper Riding
75.04 Two Abreast Limit	75.11 Parking
75.05 Speed	75.12 Equipment Requirements
75.06 Emerging from Alley or Driveway	75.13 Special Penalty
75.07 Carrying Articles	

75.01 SCOPE OF REGULATIONS. These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

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

75.02 TRAFFIC CODE APPLIES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic code of the City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a bicycle the person shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, Sec. 321.234)

75.03 DOUBLE RIDING RESTRICTED. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code of Iowa, Sec. 321.234[3 and 4])

75.04 TWO ABREAST LIMIT. Persons riding bicycles upon a roadway shall not ride more than two 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])

75.05 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])

75.06 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])

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

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

75.08 RIDING ON SIDEWALKS. The following shall apply to riding bicycles on sidewalks:

1. Business District. No person shall ride a bicycle or skateboard, in-line skates or roller skates upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.

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

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

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

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

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

75.09 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.

75.10 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.

75.11 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])

75.12 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 which shall emit a white light visible from a distance of at least 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 which shall be visible from all distances from 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 which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

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

75.13 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 the Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five days for the first offense, 10 days for a second offense and 30 days for a third offense.

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CHAPTER 76

LAMONI BIKING/WALKING TRAIL

76.01 Motorized Vehicles Prohibited

76.03 Exception

76.02 Livestock Prohibited

76.01 MOTORIZED VEHICLES PROHIBITED. Unless authorized by the Mayor, no person shall at any time operate, park, let stand or otherwise use any motorized vehicle on the Lamoni Biking/Walking Trail, which runs East from Cherry to Welcome Center and West from Cherry to Liberty Hall.

76.02 LIVESTOCK PROHIBITED. Livestock, including horses, is not permitted on the Lamoni Biking/Walking Trail.

76.03 EXCEPTION. Section 76.01 does not apply to any person with disabilities using a motorized wheelchair on the trail.

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CHAPTER 77

UTVS

77.01 Definition

77.02 Operation on Streets

77.03 City Departments Exempt

77.04 Operation: All UTVs

77.05 City Permits

77.06 Violation and Penalty

77.01 DEFINITION. “UTV” means a motorized vehicle, with not less than 4 nor more than 8 non-highway tires or rubberized track, that is limited in engine displacement to 1500 cubic centimeters and in total dry weight to no more than 2000 pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator and/or passengers and a steering wheel or control levers for control.

77.02 OPERATION ON STREETS. UTV’s may be operated upon the streets of the City of Lamoni, Iowa, between the hours of sunrise and sunset, but not Highway 69, except to cross horizontally, at approximately 90 degrees, if all of the following are in compliance:

1. The operator is of 18 years of age and has in his/her possession a valid Iowa Operator’s License.
2. The owner of said UTV has liability insurance in the amount of \$100,000.00 liability insurance covering the operation of a UTV on City streets.
3. A slow-moving vehicle sign.
4. An orange safety flag, the top of which shall be a minimum of five (5) feet above the ground level.
5. Headlights and tail lights.
6. Rear view or side view mirrors.
7. Adequate exhaust and muffler system.
8. A registration sticker from the Decatur County Recorder and a permit from the Lamoni City Clerk. A City permit shall be issued if the owner has complied with above provisions.
9. Comply with other provisions of 321I, *Code of Iowa*, as amended.

77.03 CITY DEPARTMENTS EXEMPT. Ambulance, fire, law enforcement and employees of the City of Lamoni while performing work duties, are exempt from the requirements of this ordinance.

77.04 OPERATION: ALL UTVS. All UTV’s,

1. Shall be subject to posted speed limits and all other traffic control signs and devices – not to exceed 35 mph.
2. Passengers shall remain seated at all times when the vehicle is in motion.
3. Shall not be operated on the Lamoni Bike and/or Walking trail, being now controlled by the Trails Commission of the City of Lamoni.
4. City parks.

5. Land that is otherwise owned by the City of Lamoni.
6. Private property, unless granted permission by the owner.
7. May park on City streets only in designated areas or as controlled by parking signs.
8. Shall proceed in single file, if more than one ATV is operated in the same direction and same general vicinity.
9. Otherwise comply with all applicable state regulations.

77.05 CITY PERMITS. A permit shall be issued once the owner has provided the following:

1. Payment of the annual permit fee of \$20.00 to the City Clerk.
2. Inspection and approval by the Lamoni Police Department.
3. Display of the County and City sticker on the rear of the left fender.
4. The permit shall display the serial no. of the UTV.
5. All permits shall expire on June 30 of each year.
6. All permits may be purchased at any time the office of City Clerk is open.
7. All permits may be suspended or revoked by the City Clerk.

77.06 VIOLATION AND PENALTY. Any violation of this ordinance shall be penalized or fined as follows:

1. For a first driving offense, operating without City permit, in a 12-month period, the fine shall be \$50.00.
2. For a second driving offense in a 12-month period, the fine shall be \$100.00 and the City Permit shall be revoked for 60 days.
3. For a third driving offense in a 12-month period, the fine shall be \$200.00 and the City Permit shall be revoked for 180 days.
4. The above referenced 12-month period begins on the date of the issuance of the City Permit.
5. All of the above fines shall be subject to statutory surcharge and court costs.

(Ch. 77 – Ord. 234 – Oct. 18 Supp.)

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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])

1. “Abandoned vehicle” means any of the following:
 - A. A vehicle that has been left unattended on public property for more than 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 10 days. However, a police authority may declare the vehicle abandoned within the 10-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 which 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 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 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 10-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 10-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 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 81

GOLF CARTS

81.01 Definition

81.02 Golf Cart Operation on City Streets

81.03 Permits

81.01 DEFINITION. For the purpose of this chapter, the term “golf cart” is defined as a motorized four-wheeled vehicle designed to transport a person on a golf course, and any off-road utility vehicle to the extent permitted by law.

81.02 GOLF CART OPERATION ON CITY STREETS. Golf carts may be operated on City streets, but not sidewalks, from sunrise to sunset, by persons possessing a valid driver’s license. However, a golf cart shall not be operated upon a City street which is a primary road extension through the City, such as U.S. Highway 69 and West Main Street, but shall be allowed to cross a City street which is a primary road extension through the City. Golf carts shall be equipped with a slow moving vehicle sign and bicycle safety flag. Any golf cart operated on City streets shall be equipped with adequate brakes, and the operator of a golf cart shall utilize no less than hand signals to indicate the stopping, slowing or turning of the golf cart. The operator of a golf cart upon City streets shall be subject to all of the duties applicable to the driver of a vehicle imposed by the laws of the State of Iowa or by the Traffic Code of the City. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A(3)(f) as amended hereafter.

81.03 PERMITS. No person shall operate a golf cart on any public street or alley for any purpose unless the operator possesses a City permit to operate a golf cart on City streets issued by the City Clerk. Golf cart owners may apply for a permit from the Clerk on forms provided by the City. The City Clerk shall not issue a permit until the owner/operator has provided the following:

1. Evidence that the operator is at least 18 years of age and possesses a valid driver’s license.
2. Proof that the owner/operator has liability insurance of \$100,000.00 covering operation of golf carts on City streets.
3. The operator of a golf cart shall display the City permit sticker prominently on a rear fender or similar component.
4. All permits shall be issued yearly for a fee of \$25.00, shall be valid from April 1 through March 31, and shall uniquely identify the name and address of the owner/operator.
5. The number of occupants shall be restricted to two if the golf cart is equipped with one seat and four if the golf cart is equipped with two seats.

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CHAPTER 90

CITY UTILITIES SYSTEM

90.01 Definitions	90.08 Delinquency Notice to Landlords
90.02 Establishment of Council as Governing Board of Municipal Utilities	90.09 Warranty
90.03 Purpose	90.10 Water Rates
90.04 Customer's Establishment of Service	90.11 Sewer Rates
90.05 Deposit Required	90.12 Natural Gas Rates
90.06 Disconnection For Nonpayment	90.13 Electric Utility Rates
90.07 Lien For Nonpayment	90.14 Tariff Rate For Using The Lamoni Municipal Utilities Electric Distribution System

90.01 DEFINITIONS. Unless the context indicates otherwise, the meanings of terms used in this chapter are as follows:

1. "Account class" means the specific type of customer use type: commercial, residential, public authority, separately metered heat electric, interruptible, etc.
2. "Service" means that commodity delivered to a customer; i.e., gas, water, sewer, or electric service.
3. "Tariff" means the platform which states the rules and parameters of electric and natural gas as regulated by the Iowa Utilities Board.
4. "Utility" means gas, water, sewer and/or electric service provided by Lamoni Municipal Utilities.
5. "Utility service account" means the established credit-patronage required to receive utility service and the record of credit/debits for a utility customer.

90.02 ESTABLISHMENT OF COUNCIL AS GOVERNING BOARD OF MUNICIPAL UTILITIES. As provided by Section 388.2 of the *Code of Iowa* and pursuant to elections held, the management and control of the municipally owned Electric Utility, Water Utility, Gas Utility and Sewer Utility System of the City were placed in the hands of a Board of Trustees. Pursuant to an election held on the November, 1993, referendum, the control and management of the Lamoni Municipal Utilities are under the Council. (Pursuant to said referendum, the Utilities Board of Trustees expired on December, 1993.)

90.03 PURPOSE. The purpose of the municipally owned Electric, Gas, Water and Sewer utilities is to provide these services to the City and other customers within the tariff areas served by the municipal system.

90.04 CUSTOMER'S ESTABLISHMENT OF SERVICE. A utility service account will be established by providing to the Municipal Utilities one of the following:

1. A letter of utility credit for each respective account class of service required, which shall demonstrate 12 months of prompt remittance;
2. A utility deposit for each respective account class commensurate with the highest use month within a 12-month period. The utility deposit will be refunded after 12 months of prompt remittance.

3. A warranty of credit by a system member in good standing who holds the same class of service as that being applied for.

90.05 DEPOSIT REQUIRED. Three late payments within a 12-month period by a customer will require the institution of a security deposit.

90.06 DISCONNECTION FOR NONPAYMENT. Lamoni Municipal Utilities may disconnect service to any customer for non-payment. The Municipal Utilities will observe requisites of the Iowa Utilities Board and Iowa law concerning the connection of registered heating-energy assistance program recipients during established winter months in lieu of gas and electric accounts. Payment for service is due upon billing issued on the first day of each month, and is late after the twentieth day of each month. Holidays and weekend days which fall on the twentieth shall extend the payment date until the next working day. When a late payment has not received remittance, and 12 days pass without remittance, the Municipal Utilities shall post a written notified of disconnection advising that services will be shut off within 24 hours of the time the notice is posted. After the 24-hour notice period, and bona fide remittance has not been paid, services will be shut off. Services will not resume until the required payment has been made and a reconnection fee has been recovered by the Municipal Utilities. If the customer is a tenant and the owner or landlord of the property has made a written request for notice, the notice of post-for-disconnect will also be provided to the landlord.

90.07 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for service charges to the premises. Charges remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified by the Municipal Utilities to the County Treasurer for collection in the same manner as property taxes. A lien imposed pursuant to this section shall not be less than \$5.00. The Municipal Utilities shall give ten days' written notice by first class mail to the property owner of record who has filed a written request containing the name and address of the person to be notified before placing a lien on the owner's property.

90.08 DELINQUENCY NOTICE TO LANDLORDS. When charges for rental properties become delinquent, the Municipal Utilities shall give notice to the landlord who has filed a written request containing the name and address of the person to be notified of the delinquency.

90.09 WARRANTY. During utility construction projects in rights-of-way and easements, it sometimes becomes necessary for the Municipal Utilities to disturb service lines to private properties. In the event that this becomes necessary, the service lines to private properties will be repaired using the best practices available. In the event repairs are made, the Municipal Utilities will be responsible for repairs to said service if problems directly related to the repairs in question occur within a 24-month period. After the 24-month period, the responsibility reverts to the owner of the service. In any event, the Municipal Utilities will not be responsible for any damages to private property that may result as a malfunction of a service line for whatever reason, before, during or after the 24-month period.

90.10 WATER RATES. Water service shall be furnished at rates set by resolution of the Council.

90.11 SEWER RATES. Each customer shall pay sewer service charges based upon the amount of water consumed as set by resolution of the Council.

90.12 NATURAL GAS RATES. Rates for natural gas service are as set by resolution of the Council.

90.13 ELECTRIC UTILITY RATES. Rates for electric utility service are as set by resolution of the Council.

90.14 TARIFF RATE FOR USING THE LAMONI MUNICIPAL UTILITIES ELECTRIC DISTRIBUTION SYSTEM.

1. Distribution Rate. In the advent where Electric De-Regulation or Electric Energy Wheeling becomes permissible by Statute, Federal Energy Regulation, where allowable contract agreements permit, where Independent System Operator convention allows, and where automatic metering strategies are imposed, Lamoni Municipal Utilities shall charge an Electrical System Delivery Rate for electric end-user recipients who purchase electrical energy from others and/or who pass electrical energy through the Lamoni Municipal Utilities Electric Distribution System. The distribution rate shall recover the costs of advanced metering, data processing, electro-mechanical expenses, and the operational and maintenance costs of the Lamoni Municipal Utilities Electric Distribution System.

The Lamoni Municipal Utility's distribution rate hereby established shall be \$0.085 per kilowatt hour.

2. Cost Responsibility. Electric end-user recipients who buy electric energy from others are wholly responsible for the cost of the energy, the cost of transmission, line losses, and other expenses bringing the energy to the Lamoni Municipal Utilities Electric Distribution System. Lamoni Municipal Utilities will require an Aid in Construction Fee for non-typical and large metering applications, prior to installation of the metering equipment. Electric end-users will be required to pay a monthly meter fee. A \$12.50 late fee and 1.5% of any unpaid billing will be required, on late/unpaid billing.

3. Over-Purchase. Lamoni Municipal Utilities will not be obligated to purchase amounts of electrical energy purchased or nominated by others. End-user recipients are responsible for disposing of over-purchase or over-nomination amounts.

4. Under-Purchase. Lamoni Municipal Utilities may provide electrical energy to end user recipients who buy their electrical energy from others when an insufficient amount of energy is purchased. The electric power will be billed at the prevailing rate-class by kilowatt hour for the end-user recipient, plus a penalty for under-purchase equal to the Lamoni Municipal Utility's electric distribution rate of \$0.085 per kilowatt hour under-purchased or under-nominated.

5. Reconciliation Period. The reconciliation period shall be on a 24-hour day in computing the amount of energy purchased or nominated/under-nominated vs. actual kilowatt hour consumption by the electric end-user recipient. Payment to Lamoni Municipal Utilities shall issue on the last working day of the calendar month. Payment shall be required by the 20th day of each calendar month.

6. Interruption Firm Service. The electric end-user recipient who purchases electric power from others shall stand ready to have service interrupted in the event that their purchased power becomes unavailable.

7. Emergency Generation. Electric end-user recipients who purchase their electric energy from others may purchase emergency generation from Lamoni

Municipal Utilities providing that there is adequate generation capacity during times where wholesale supply is severed and where the end-user recipient has no backup power supply. Lamoni Municipal Utilities will charge \$0.55 per kilowatt hour delivered for emergency generation services.

8. Inter-System Delivery. In an advent where electrical power can be transported for entities who own Distributed Generation, Qualified Facilities, Inverted-Battery Storage Sources, or other producers of electrical power who may use the Lamoni Municipal Distribution System to move their electrical power from one point to another within the system or from an origin in the system to an outside source will be required to pay the Lamoni Municipal Utility's electric distribution rate of \$0.085 per kilowatt hour. Lamoni Municipal Utilities will not provide transmission service for outgoing power, and the cost for such will be arranged for by others.

9. Rate Adjustment. The Lamoni City Council may adjust the Lamoni Municipal electric distribution rate and the emergency generation rate by resolution.

(Section 90.14 – Ord. 244 – Dec. 20 Supp.)

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CHAPTER 91

WATER SERVICE SYSTEM

91.01 Definitions	91.08 Shutting Off Water Service
91.02 Abandoned Connections	91.09 Fire Hydrants
91.03 Tapping Mains	91.10 Water Main Extensions
91.04 Failure To Maintain	91.11 Main Extensions Outside City Limits
91.05 Location and Cost of Water Meters	91.12 Water Loss; Administrative Inquiry
91.06 Maintenance and Repair of Water Meters	91.13 Rates
91.07 Curb Stop Valve	

91.01 DEFINITIONS. The following terms are defined relating to the Water Service System:

1. "Aid in construction" means fees collected prior to construction, which amount to the (at cost) expense of labor, equipment and materials.
2. "Customer" means any entity or person receiving water service from the Lamoni Municipal Utilities.
3. "General Manager" means the General Manager of the Municipal Utilities or any duly authorized assistant, employee or representative.
4. "Water main" means a water supply pipe provided for public or community use which has a diameter equal to or larger than two inches.
5. "Water service line" means that pipe from the water main to the building or property being served.
6. "Water system" means all municipal facilities for securing, collecting, storing, pumping, treating and distributing water.

91.02 ABANDONED CONNECTIONS. When an existing water service is abandoned, the corporation stop valve shall be turned off and made absolutely watertight. The service line attached to said corporation stop shall be physically removed from the stop. Disconnection shall be the responsibility of the customer.

91.03 TAPPING MAINS. The property owner/customer is responsible for installing and maintaining the service line from the water main to the building or point of use. No connection fee is charged. The customer shall purchase and maintain: the corporation tapping saddle, corporation valve-stop, curb stop, and line. The Municipal Utilities will: tap the main, install and maintain the water meter per se. A remote meter reader may be provided where practical by the Municipal Utilities.

91.04 FAILURE TO MAINTAIN. When any portion of the water service line becomes defective, it is the responsibility of the property owner to correct the defective part or parts. Where defective service equipment creates a nuisance and the owner fails to correct the problem, the Municipal Utilities may do so and assess the costs thereof to the property owner/customer.

91.05 LOCATION AND COST OF WATER METERS. A standard water meter shall be provided to the customer and furnished to the customer without charge. Metering which

requires volume above that required for a single-family residence may require that customer to pay the full cost of the meter; at the sole option of the Municipal Utilities the customer/property owner may be required to purchase and install such meter in accordance with the requirements established by the Municipal Utilities. All meters shall be located so that they are easily accessible to meter readers and repairmen, and protected from freezing. The Municipal Utilities shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter. Water meters shall be tested for accuracy by the Municipal Utilities according to standard practice and within acceptable limits of accuracy.

91.06 MAINTENANCE AND REPAIR OF WATER METERS. The water meter and remote reader will be maintained by Municipal Utilities within the scope of normal operation. Damages to meters caused by neglect, altering, or lack of frost protection will not be the responsibility of the Municipal Utilities. Repair or replacement costs outside of normal operation may be billed to the customer or responsible party.

91.07 CURB STOP VALVE. There shall be installed within the public right-of-way a shut-off valve on the water service line of a pattern approved by the Municipal Utilities. The curb-stop valve shall be constructed in a manner to be seen, even with the ground or pavement. It is the responsibility of the customer to maintain the curb stop valve and box.

91.08 SHUTTING OFF WATER SERVICE. The Municipal Utilities may shut off the supply of water to any customer because of any violation of the regulations contained in this chapter. Discontinuation of service may continue until the General Manager has ordered the water to be turned on.

91.09 FIRE HYDRANTS. Fire hydrants are to be utilized by firefighters and Municipal Utilities workers. Unless specifically authorized by the General Manager, no person shall open or attempt to draw water from any fire hydrant. Bulk Hydrant Metered Direct Water Sales are available upon posting a hydrant meter deposit. A hydrant meter shall be attached and deposit paid prior to drawing water for sale from a fire hydrant. Fire service use, Municipal Utilities use, and metered hydrant use are the only legitimate applications for a fire hydrant. The taking of water with the intent to deprive the Municipal Utilities of expected remittance shall constitute theft as defined in Section 714.2 of the *Code of Iowa*.

91.10 WATER MAIN EXTENSIONS. Water main extensions shall be located along public roads, streets, or right-of-ways where practical or within easements upon private property. The routing, location of appurtenances, and metering shall be determined by the Municipal Utilities. The Municipal Utilities shall maintain water mains throughout the distribution system, including replacement of mains as required. Extensions and upgrades to serve large customers, developments, or other special requirements within the City shall require a remittance to the Municipal Utilities of an aid in construction fee equal to the (at cost) expense of construction. Aid in construction fees shall be collected prior to the acquisition of materials and the initiation of the construction. Governments and public schools shall provide a bona fide purchase order or writ which will state the date of timely remittance, where aid in construction cannot be received before acquisition of parts and construction. The Municipal Utilities may construct or cause to be constructed water mains as required, to provide service and fire protection to areas within the City where extension is warranted.

91.11 MAIN EXTENSIONS OUTSIDE CITY LIMITS. The costs of main extensions and appurtenances shall be the responsibility of the party requesting same. Construction shall be in accordance with the Municipal Utilities' construction standards with the point of connection being determined by the Municipal Utilities. Upon completion and acceptance of the line, for the fee of \$1.00 the Municipal Utilities may purchase the complete main with easements without cost to the aforementioned party.

91.12 WATER LOSS; ADMINISTRATIVE INQUIRY. The General Manager of the Municipal Utilities shall have administrative discretion, based on probable cause, to waive that portion of a customer billing where the sewer rate portion is calculated in instances where metered water is lost due to mechanical failure, losses caused by criminal activity or other bona fide circumstances where metered lost water does not enter the wastewater system. The Municipal Utilities shall bill and receive payment for lost water that passes through the meter per se.

91.13 RATES. Rates for water service and terms and conditions for billing and payment are set out in Chapter 90.

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CHAPTER 95

SEWER SERVICE SYSTEM

95.01 Purpose	95.09 Rates
95.02 Definitions	95.10 Utility Sewer Connection
95.03 Requirements	95.11 Unauthorized Disposal
95.04 Establishment of Funds	95.12 Hazardous Infiltration
95.05 Maintenance of Funds	95.13 Tapping of Mains
95.06 Basis of Use Determination	95.14 Unlawful Drainage
95.07 Surcharges	95.15 Customer's Service Line
95.08 Additional Charges	95.16 Sewer Main Extensions

95.01 PURPOSE. The purpose of this chapter is to establish the procedures and regulations to be followed in the calculation, establishment and collection of charges from customers so that the Municipal Utilities can pay for the operation and maintenance, as herein defined, of the wastewater treatment system and for the sewer bond debt retirement for the financing the sewer system improvements constructed under EPA Project No. CS192201-02.

95.02 DEFINITIONS. Unless the context indicates otherwise, the meanings of terms used in this chapter are as follows:

1. "EPA" means the United States Environmental Protection Agency.
2. "Normal domestic wastewater" means wastewater that has a BOD concentration of not more than 280 mg/l and a suspended solids concentration of not more than 400 mg/l.
3. "Operation and maintenance" means all expenditures during the useful life of the wastewater treatment works for materials, labor, utilities and other items which are necessary for the management and maintenance of said treatment facilities to achieve the capacity and performance for which such works were designed and constructed.
4. "Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment works to maintain the capacity and performance for which such facilities were designed and constructed. The term "operation and maintenance" includes replacement.
5. "Residential customer" means any customer whose lot, parcel of real estate or building is used for domestic dwelling purposes only.
6. "Useful life" means the estimated period during which the wastewater treatment works will be operated.
7. "User charge" means that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.
8. "Wastewater" means the spent water of a community. From the standpoint of the source it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water infiltration that may be present. Wastewater is also commonly known as "sanitary sewage."

9. “Wastewater Treatment Works” means the devices and systems used for the storage, treatment, recycling and reclamation of municipal wastewater, domestic wastewater or liquid industrial wastes. These include the collecting lateral, trunk, interceptor and out-fall sewer systems, individual systems, pumping, power and other equipment and appurtenances, extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land, that will be an integral part of the treatment process or used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treatment, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

10. “Water meter” means a water volume measuring and recording device, furnished and/or installed by the Municipal Utilities or furnished and/or installed by a user and approved by the Municipal Utilities.

95.03 REQUIREMENTS. The user charge system shall generate adequate annual revenues to pay costs of: (i) annual operation and maintenance including replacement; and (ii) costs associated with the sewer bond debt retirement for financing the wastewater treatment works which the City Council may, by resolution, designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance, including, replacement of the treatment works, shall be established by this chapter.

95.04 ESTABLISHMENT OF FUNDS. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Section 95.07 shall be deposited in two separate non-lapsing funds, as follows:

1. A fund designated as the “Wastewater Treatment Works Operation and Maintenance Fund” for the specific purpose of defraying operation and maintenance costs, excluding replacement, of the wastewater treatment works.
2. A fund designated as the “Wastewater Capital Improvement Fund” for the specific purpose of ensuring the replacement needs over the useful life of the wastewater treatment works, and distribution system.

While sewer revenue bonds of the City are outstanding, the provision of the resolution authorizing the issuance of the bonds shall, in the event of conflict, prevail on the provisions of 95.05.

95.05 MAINTENANCE OF FUNDS. Calendar year-end balances in the wastewater treatment works operation and maintenance fund and the wastewater treatment works replacement fund shall be carried over to the same fund in the subsequent year, and shall be used for no other purposes than those designated for these funds. If moneys are transferred from other funds of the Municipal Utilities to meet temporary shortages in the wastewater works operation and maintenance fund and/or wastewater Capital Improvement Fund, such transferred moneys shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rates shall be adjusted such that the transferred moneys will be returned to their respective accounts within the calendar year in which the moneys were borrowed.

95.06 BASIS OF USE DETERMINATION. The use of the wastewater treatment works shall be determined on the following basis:

1. Each user shall pay for the services provided by the Municipal Utilities based on use of the wastewater treatment works as determined by water meters acceptable to the Municipal Utilities.
2. If a wastewater customer has a consumptive use of water; or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that customer may be based on a separate water meter (non-wastewater meter) installed and maintained at the expense of the customer and in a manner acceptable to the Municipal Utilities.
3. In case of privately owned or un-metered water supplies, all or any part of which is discharged into the public sanitary sewer system, the quantity of water discharged into said sewer system shall be determined, to the satisfaction of the Council, at the expense of the owner of such private or un-metered water supplies, and the sewer user charge shall be applied to an equal quantity and characteristic of waste as though originating through use of City water, the same as if metered and billed accordingly. If the quantity of water used is estimated to be in excess of 1,000 gallons per day for any one billing period, the Council may require that such water supply be metered at the expense of the owner of the same.

95.07 SURCHARGES. For those customers who contribute wastewater of strength greater than normal domestic sewage, a surcharge will be collected in addition to the sewer user charge.

95.08 ADDITIONAL CHARGES. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the wastewater treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the wastewater treatment works, shall pay for such increased costs. The charge to each such user shall be determined by the Council.

95.09 RATES. Rates for sewer service and terms and conditions for billing and payment are set out in Chapter 90. The user charge rates established in such chapter apply to all users, regardless of their location to the wastewater treatment works.

95.10 UTILITY SEWER CONNECTION. All entities, structures, dwellings, mobile homes, or businesses which require sewage disposal, or which generate sewage, where the lot or property abuts an existing sewer main, are required to make connection to said sewer main in the manner approved by the Municipal Utilities. It is unlawful for any other form of sewer disposal system to be used within the corporate limits of the City where mains are provided as described in this section. An available sewer main refers to a sewer main that abuts or passes through a lot or property on which a structure needing sewage disposal facilities is located and where such a municipal sewer main will serve the ground floor level of such structure without the need of mechanical pumping and lifting.

95.11 UNAUTHORIZED DISPOSAL. The City may declare any private sewage disposal facility to be a nuisance which does not comply with Section 95.10, and abate the same, or impose reasonable conditions or restrictions as a condition for the continued use of and operation of such a facility.

95.12 HAZARDOUS INFILTRATION. It is unlawful to dump any harmful substance, controlled substance (including component parts of controlled substances), any pesticide,

herbicide, or any other chemical or poison into the sewer collection system. It is unlawful to open any manhole and dump raw sewage or influent water into the sewer collection system other than jetting and maintenance activities on the part of the Municipal Utilities. Violation of this section shall constitute a simple misdemeanor and may be punishable as such within the scope of the *Code of Iowa*.

95.13 TAPPING OF MAINS. Qualified persons, Municipal Utilities employees, or other qualified persons under the direction of the Municipal Utilities shall be permitted to tap sewer mains. It is unlawful for any person to tamper with or in any way damage a utility main. Tapping of sewer mains shall be in a manner consistent with the requirements of the Municipal Utilities. No fee is required by the Municipal Utilities for tapping a sewer main.

95.14 UNLAWFUL DRAINAGE. It is unlawful for any person to cause rainwater, foundation drain water, roof run-off water, or any other form of non-sewage infiltration to enter the sewage collection system.

95.15 CUSTOMER'S SERVICE LINE. It is the responsibility of the customer/property owner to maintain the sewer service line from the sewer main to the premises, including appurtenances used in main tapping, and the main tapping Y. Each customer/property owner should utilize one service main tap per premises. The practice of shared party sewer tap lines, and Y-connections shall not be permitted. No service line shall be constructed in such a slope, distance, or in a manner outside of standard sewer line construction practices. Abandonment of a customer's line shall be accomplished at the expense of the customer/owner, and shall be capped off to the main in a method approved by the Municipal Utilities.

95.16 SEWER MAIN EXTENSIONS. All extensions of sewer mains shall first be engineered by an engineer licensed in the State of Iowa. After the completion of the engineer's plan, said plan will be submitted to the Iowa Department of Natural Resources for approval and permitting prior to any construction. The Municipal Utilities may inspect sewer construction practices within the system, and determine quality of the construction. The Municipal Utilities may refuse to accept the work when workmanship is sub-standard or nonfunctional. The Council shall have the authority to make available sewer main service to property not being serviced, and shall have the power to determine what part of the cost of such extension is to be borne by the property owner, developer, or by City funding. The Council shall have the final determination of the method of financing any major allocation between revenue bonds, public bonds, or municipal bond obligations – one, all, or combination thereof.

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CHAPTER 96

USE OF SEWAGE COLLECTION SYSTEM

96.01 Definitions	96.07 Restricted Discharges; Powers
96.02 Authorization	96.08 Special Facilities
96.03 Storm Water	96.09 Control Manholes
96.04 Surface Waters Exception	96.10 Testing of Wastes
96.05 Prohibited Discharges	96.11 Grease Traps and Interceptors
96.06 Restricted Discharges	96.12 Liability Imposed

96.01 DEFINITIONS. The following terms, when used in this chapter, shall have the meanings ascribed to them below:

1. “Best management practices” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State of Iowa. For purposes of this chapter, best management practices includes procedures and practices that reduce the discharge of fats, oil, and grease (FOG) to the building drain and to the POTW.
2. “Fats, oil and grease” means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “grease” or “greases” or “FOG.”
3. “Food service establishment” means a commercial facility engaged in preparing and/or serving food for consumption by the public, such as a restaurant, commercial kitchen, caterer, hotel, motel, school, hospital, prison, correctional facility, and care institution.
4. “Grease discharge permit” (GDP) means a permit issued by the City authorizing the discharge of grease, greases, FOG, or grease-laden wastewater to the POTW from a food service establishment.
5. “Grease interceptor” means a tank that serves one or more fixtures and is remotely located. Such grease interceptors include (but are not limited to) tanks that capture wastewater from dishwashers, floor drains, pot an pan sinks and trenches. For purposes of this chapter, a grease interceptor is an outside, underground, multi-compartment tank that reduces the amount of FOG in wastewater prior to discharging into the POTW.
6. “Grease trap” means a device designed to retain crease from one to a maximum of four fixtures. A grease trap is not appropriate for use on heated water (e.g., dishwasher) or in-line to a waste disposal unit (e.g., garbage disposal and grinders). For purposes of this chapter, a grease trap is a small, indoor device.
7. “LMU” means Lamoni Municipal Utilities as governed by the City of Lamoni.
8. “Minimum design capability” means the design features of a grease interceptor or grease trap and its ability or volume required to effectively intercept and retain FOG from grease-laden wastewaters discharged to the POTW.

9. “Non-cooking establishments” means those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments. Bed and breakfast businesses are not considered food service establishments.

10. “POTW” means the publicly owned treatment works in the City, which includes the collection and drainage system, the pumping stations, and the wastewater treatment plant.

11. “Fixture” means sinks, dishwashers, garbage grinders, floor drains, trenches, or other equipment discharging wastewater to a grease interceptor or to a grease trap.

12. “User” means any person or entity, including those located outside the jurisdictional limits of the City, who contributes, causes, or permits the contribution or discharge of wastewater into the POTW, including a person or entity who contributes wastewater from mobile sources, such as those who discharge hauled wastewater.

13. “Sanitary sewer” means a separate underground piping system specifically designed to transport sewage for treatment at the POTW.

14. “Storm sewer” means a collection of ditches, curbs, gutters, underground pipes, and manholes built to carry away excess water in times of heavy rain or melting snow.

96.02 AUTHORIZATION. Where indicated by this chapter as “LMU,” the General Manager of Utilities is authorized to act on behalf of the Lamoni Municipal Utilities.

96.03 STORM WATER. No user shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by LMU. Industrial cooling water or unpolluted process waters may be discharged on approval of LMU, to a storm sewer or natural outlet.

96.04 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of LMU 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 POTW.

96.05 PROHIBITED DISCHARGES. No user shall discharge or cause to be discharged any of the following described waters or wastes to any sanitary or storm 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 wastewater treatment plant, including (but not limited to) cyanides in excess of two milligrams per liter as cyanide in the wastes as discharged to the sanitary or storm 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 POTW.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in POTW, or other interference with the proper operation of the POTW, 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, 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 280 parts per million by weight; or (ii) containing more than 400 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 LMU.
 - B. Where necessary in the opinion of LMU, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to: (i) reduce the biochemical oxygen demand to 280 parts per million by weight; or (ii) reduce the suspended solids to 400 parts per million by weight; or (iii) control the quantities and rates of discharge of such waters or wastes to the sole satisfaction of LMU. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of LMU and no construction of such facilities shall be commenced until said approvals are obtained in writing.

96.06 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 LMU that such wastes can harm the POTW, 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, LMU 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 150 degrees F (65 degrees C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter.
3. Viscous Substances. Water or wastes containing substances that may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 degrees to 65 degrees C).
4. Garbage. Any garbage that has not been properly shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the POTW, with no particle greater than one-half 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 LMU 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 LMU 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 LMU 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 POTW.
 - D. Unusual volume of flow or concentration of wastes constituting "slugs."
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.

96.07 RESTRICTED DISCHARGES; POWERS. If any waters or wastes are discharged or are proposed to be discharged to the POTW, which waters contain the substances or possess the characteristics enumerated in Section 97.05 or 97.06 and which in the judgment of LMU may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, LMU 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.
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 Chapters 90 and 95 of this Code of Ordinances.

96.08 SPECIAL FACILITIES. If LMU 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 LMU 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.

96.09 CONTROL MANHOLES. When required by LMU, the owner of any property serviced by a building sewer carrying industrial wastes as described in Section 96.05(5) 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 LMU. 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.

96.10 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).

96.11 GREASE TRAPS AND INTERCEPTORS. All food service establishments are required to have a grease interceptor or grease trap. The requirements in this section are in addition to any applicable requirements of the Lamoni Municipal Utilities Plumbing Code and the *International Plumbing Code*.

1. New Establishments. Food service establishments that are newly proposed or constructed on or after the effective date of this section[†] shall be required to install, operate, and maintain a grease interceptor or grease trap according to the requirements contained in this section. Existing facilities that are expanded or renovated to include a food service establishment where such establishment did not previously exist shall be considered a new establishment under this section. Grease interceptors or grease

[†] **EDITOR'S NOTE:** The effective date of the ordinance codified in this section is July 10, 2014.

traps shall be installed and a permit issued prior to the issuance of a certificate of occupancy.

2. Existing Establishments. All food service establishments existing and operating within the City prior to the effective date of this section shall be permitted to continue to operate with existing facilities, provided:

A. Existing grease interceptors or grease traps shall be maintained in accordance with the requirements of this chapter.

B. Existing grease interceptors or grease traps shall be permitted to continue in use until remodeling of the food preparation or kitchen waste plumbing system is performed, thereby requiring a plumbing permit to be issued by the City.

C. Grease discharges from the food service establishment do not cause operational problems, such as (but not limited to) plugging in the sewers of LMU.

3. Other Requirements.

A. Grease interceptors or grease traps shall be installed at the user's expense, when such user operates a food service establishment. Grease interceptors or grease traps may also be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when it is deemed necessary by LMU for the proper handling of liquid wastes containing FOG.

B. Grease interceptors and grease traps shall conform to the standards of the *International Plumbing Code* adopted by this reference as the Plumbing Code of Lamoni Municipal Utilities.

C. Grease interceptors shall provide access manholes with a minimum diameter of 24 inches over each chamber and sanitary tee. The access manholes shall extend at least to the finished grade and be designed and maintained to prevent surface water inflow or groundwater infiltration. The manholes shall also have readily removable covers to facilitate inspection and grease removal.

D. Non-grease-laden sources shall not be allowed to connect to sewer lines intended for grease interceptor service.

E. Grease interceptors and grease traps shall be equipped with an accessible sampling port on the effluent side of the interceptor or trap.

4. Operation Requirements. Users who are required to install a grease interceptor or grease trap shall:

A. Operate the grease interceptor or grease trap in a manner so as to maintain such device such that attainment of the grease limit is consistently achieved. "Consistent" means any wastewater sample taken from such grease interceptor or trap shall meet the numerical limit of 100 milligrams per liter FOG.

B. Remove any accumulated grease cap and sludge pocket as required when FOG and solids reach 25 percent of the unit's capacity, at the user's expense. Grease interceptors and grease traps shall be kept free of inorganic solid materials, such as grit, rocks, gravel, sand, eating utensils, cigarettes,

shells, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the grease interceptor or grease trap.

C. Skim or pump wastes or other materials removed from the grease interceptor or grease trap so as not to be introduced into the sewer, even after any kind of on-site treatment of said wastes.

D. Not use hot water as a grease abatement method. The use of biological additives as a grease degradation agent is conditionally permissible, upon prior written approval by LMU. Any establishment using this method of grease abatement shall maintain the interceptor or trap in such a manner that attainment of the grease wastewater discharge limit, as measured from the outlet, is consistently achieved.

E. Utilize an automatic grease removal system only upon prior written approval by LMU. Any establishment using this equipment shall operate the system in such a manner that attainment of the grease wastewater discharge limit, as measured from the unit's outlet, is consistently achieved.

F. Maintain a written record of grease interceptor or grease trap maintenance. Said record shall include dates and means of disposal and shall maintain those records for three years. All such records will be available for inspection by LMU at all times.

96.12 LIABILITY IMPOSED. Any person violating any of the provisions of these chapters shall become liable to the City/LMU for any expense, loss, or damages, occasioned the City/LMU by reason of such violation.

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CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose	105.07 Littering Prohibited
105.02 Definitions	105.08 Toxic and Hazardous Waste
105.03 Sanitary Disposal Required	105.09 Waste Storage Containers
105.04 Health and Fire Hazard	105.10 Prohibited Practices
105.05 Open Burning Restricted	
105.06 Separation of Yard Waste Required	

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 recyclables 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[1])
3. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.
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 not exceeding 10 pounds in weight or 15 cubic feet in volume. Litter includes but is not limited to empty beverage containers, cigarette butts, food waste packaging, other food or candy wrappers, handbills, empty cartons, or boxes.
(Code of Iowa, Sec. 455B.361[2])
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. “Recyclables” means that solid waste which has value to business and industry and can be recycled. Recyclables include, but are not limited to: cardboard,

glass (food based only), tin cans (with paper off only), other prepared metal (not greater than 6 feet in length), mixed paper (junk mail), magazines and pamphlets, soft cover books, hard cover books, No. 1 and No. 2 plastic (food and laundry based only).

9. “Refuse” means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.

(IAC, 567-100.2)

10. “Residential premises” means a single-family dwelling unit, whether each dwelling unit in any residential premises is separately or jointly connected to a water, gas or electric meter of the Lamoni Municipal Utilities. “Single-family” means a single person, two persons related by consanguinity or affinity, including their children, grandchildren, parents or grandparents. “Single-family dwelling unit” means any house, apartment, trailer, or living accommodation that has separate cooking and bathroom facilities for each said dwelling unit therein.

11. “Residential waste” means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes and any locally recyclable goods or plastics.

(IAC, 567-20.2[455B])

12. “Rubbish” means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(IAC, 567-100.2)

13. “Sanitary disposal” means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

14. “Sanitary disposal project” means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources.

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

15. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:

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

A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.

B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.

C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

D. Petroleum contaminated soil that has been remediated to acceptable State or federal standards.

E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

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 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. Unless a written permit is obtained in advance from the Police Chief, no person shall burn any brush, trees, leaves, garbage, paper or any other material during the hours of 11:00 p.m. and 6:00 a.m. No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

(IAC, 567-23.2[455B] and 567-100.2)

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

(IAC, 567-23.2[3a])

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

(IAC, 567-23.2[3c])

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

(IAC, 567-23.2[3d])

5. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.

(IAC, 567-23.2[3e])

6. Back Yard Burning. The open burning of residential waste on the property where such waste is generated, at dwellings of four-family units or less.

(IAC, 567-23.2[3f] and 567-20.2[455B])

7. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in firefighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3g])

8. Controlled Burning of a Demolished Building. The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3j])

9. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

(IAC, 567-23.2[2])

105.06 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises. All grass clippings shall be left on the lawn after mowing or combined with all other yard waste which shall be composted or burned on the premises. As an alternative, yard waste may be disposed of through the City's collector upon a schedule and for a fee to be negotiated between the owner or occupant and the collector. The collector shall dispose of all yard waste according to the rules and regulations adopted by the Council. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

105.07 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, Sec. 455B.363)

105.08 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 which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

(IAC, 567-102.13[2] and 400-27.14[2])

105.09 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing or renting any residential premises, single-family dwelling unit or any other place where refuse accumulates shall (if no containers are otherwise provided by agreement

with the trash hauler) provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specifications. Waste storage containers shall comply with the following specifications:
 - A. Residential. Residential waste containers shall be of not more than 95 gallons in nominal capacity, shall contain wheels upon which the container can be moved and a system compatible with a packer truck for mechanical unloading.
 - B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premises where an excessive amount of refuse accumulates and where its storage in portable containers of 95-gallon pull carts as required above is impractical, shall maintain metal bulk storage containers approved by the City.
2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.
3. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed outdoors by 7:00 a.m. on the designated collection day at the driveable edge of the street by the owner or occupant of the premises served.
4. Nonconforming Containers. Solid waste placed in containers which are not in compliance with the provisions of this section will not be collected.
5. Ashes and Sawdust. Ashes and sawdust shall be placed in plastic bags or other containers which are designed to prevent said material from blowing away while being transported by a contractor.

105.10 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.
2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.
3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.
4. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

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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 License Mandatory

106.08 Collection Fees
106.09 Lien for Nonpayment
106.10 Trash Waiver
106.11 Length of Waiver
106.12 Mayor Limitations
106.13 Full Force and Effect
106.14 Procedure to Request Waiver

106.01 COLLECTION SERVICE. The City shall operate a “trash collection service” for the residents of the City of Lamoni, Iowa, and others as may be agreed upon between the parties. The City may also provide by contract with a licensed hauler for the collection of solid waste and recyclables, except bulky rubbish as provided in Section 106.05, from residential premises only. The owners or operators of commercial, industrial or institutional premises and Public Authority Agencies shall provide for the collection of solid waste produced upon such premises.

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

(IAC, 567-104.9[455B])

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week. Cardboard shall be collected by contractors on a weekly basis. All other recyclables shall be collected by contractors at least once a month. All recyclables shall be separated from solid waste and if properly prepared and segregated, shall be collected by contractors.

106.05 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefor established by the Council.

106.06 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07 LICENSE MANDATORY. No person, other than a contractor or said contractor’s employees, shall collect or pick up solid waste and/or recyclables within the corporate limits of the City, unless and until said contractor shall have been issued a license (and a contract, if

for residential service) by the City. The collection of solid waste and recyclables within the corporate limits shall be under the exclusive control and management of the Council, and no person shall engage in the business of collection of solid waste and/or recyclables within first being licensed by the City.

1. All contractors collecting solid waste or recyclables shall keep complete and accurate records of the weight of each class of solid waste and recyclables. Said records shall be made available for inspection upon demand by the City Administrator and/or the Department of Natural Resources.
2. All contractors collecting solid waste or recyclables shall dispose of said waste or recyclables as provided by State law, the Iowa Administrative Code and this Code of Ordinances.
3. The license of any contractor may be revoked for just cause, meaning such cause that is significant or repeated violation of law or failure to keep records as required by this chapter.
4. The fee for licenses under this section and the procedural requirements to obtain a license shall be set out by resolution of the Council.

106.08 COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Schedule of Fees. The fees for solid waste collection and disposal service, used or available, are:
 - A. Residential Collection Fees. The fee for solid waste and recyclables collection and disposal service, used or available, plus landfill fees, for each residential premises with an active electric meter is set by resolution of the Council.
 - B. Business Landfill Fees. The landfill fee for each business premises with an active electric meter is set by resolution of the Council.
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 Chapter 90 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in said chapter if the combined service account becomes delinquent, and the provisions relating to lien notices shall also apply in the event of a delinquent account.

106.09 LIEN FOR NONPAYMENT. 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 property or 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)

106.10 TRASH WAIVER. Any property owner of the City of Lamoni, Iowa may file an application with the Mayor to request a trash waiver fee under the following circumstances:

1. The owner of the property petitions the Mayor for relief of the fees at a specific address for a specific period.
2. An empty residence listed for sale with a licensed realtor (realtor must certify property is listed).
3. An empty apartment or mobile home awaiting lease to a new tenant.
4. New construction of a residence if no one is living in the residence and no temporary housing is at the address.
5. A remodel project of a residence at which no one is residing and at which no other housing is at the address.
6. All utility fees are paid up to date.

(Section 106.10 – Ord. 254 – Jun. 22 Supp.)

106.11 LENGTH OF WAIVER. The Mayor may waive the trash pick-up fees collected by public works for up to three months, as provided in Section 106.10 above in whole month increments, regardless of whether electrical service is being provided to the premises.

(Ord. 254 – Jun. 22 Supp.)

106.12 MAYOR LIMITATIONS. The Mayor is not authorized to waive any fee associated with trash pickup as defined below:

1. Fees for trash collection outside Lamoni City limits.
2. Any landfill user fees.
3. Any commercial trash services.
4. Any contracted trash services.
5. Any construction debris removal.
6. Any trash collection for which there is an additional fee normally assessed for pickup (tires, appliances, etc.).
7. Any partial month prorated fees.

(Section 106.12 – Ord. 254 – Jun. 22 Supp.)

106.13 FULL FORCE AND EFFECT. All other provisions of Section 106.08 shall remain in full force and effect.

(Ord. 254 – Jun. 22 Supp.)

106.14 PROCEDURE TO REQUEST WAIVER.

1. A property owner shall complete and file a written request for a trash waiver fee on forms provided by the City of Lamoni, Iowa.
2. A waiver of trash fees is not assignable nor transferrable.
3. The \$3.50 “landfill user fee” cannot be waived but would be billed by public works and not by Lamoni Municipal Utilities.
4. Any extensions of the trash waiver fee following the Mayor’s initial order may only be granted by the City Council.

(Section 106.14 – Ord. 254 – Jun. 22 Supp.)

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CHAPTER 110

NATURAL GAS UTILITY

110.01 Definition

110.02 Purpose

110.03 Service Connection

110.04 Compliance With Standards and Regulations

110.05 Natural Gas Main Extensions

110.06 Aid in Construction

110.07 Rates

110.08 Purchase Gas Adjustment

110.09 Interstate Municipal Gas Agency

110.10 Natural Gas Recipients

110.11 Maximum Draw Limitations

110.01 DEFINITION. As used in this chapter, the word “Utility” means the Lamoni Municipal Utilities.

110.02 PURPOSE. The purpose of this chapter is to fix natural gas rates and to provide regulations for control of the municipal gas system.

110.03 SERVICE CONNECTION. No connection fee is charged. However, there is an at-cost charge for material provided by the Utility. The owner/customer must provide a trench and run the service line from the gas main to the premises. The Utility shall make connections to the main and install the regulator, riser and meter. Inspection of all piping and witnessed pressure tests on the service line and interior piping prior to connection of the meter are required. Upon acceptance by the Utility of a service line, the Utility shall own and maintain the line to the meter at no cost to the customer.

110.04 COMPLIANCE WITH STANDARDS AND REGULATIONS. Only plumbers licensed by the State may install interior gas piping. Licensed gas plumbers shall abide by the printed *Rules and Regulations* covering the use of natural gas and the installation of mains, services, meters, piping and appliances for the City. Licensed plumbers shall abide by the requirements set forth in the current edition of the *National Fuel Gas Code*. Only certified Utility employees may perform work on gas mains and systems, as required by the Iowa Utilities Board and the United States Department of Transportation, Office of Pipeline Safety.

110.05 NATURAL GAS MAIN EXTENSIONS. The Utility shall make available natural gas service to customers within its tariff area of a character determined by the Utility subject to the customer’s needs and the availability of gas. Extensions shall be constructed along public roads, streets or right-of-ways, where practical, or where not practical within an easement area on private property. The routing, location of appurtenances and metering shall be determined by the Utility. Within the City limits, the Utility shall extend gas main the first 100 feet beyond the existing main at no cost to the customer. For extensions exceeding 100 feet, an aid in construction fee equal to the cost of material, equipment and labor shall be required.

110.06 AID IN CONSTRUCTION. “Aid in construction” means that fee required by the Utility which amounts to the “at cost” expense of labor, equipment and materials required to extend gas service mains. Said fee shall be received in total payment prior to the ordering of material and the start of construction. Governments and public schools subject to Iowa law may issue a writ or purchase order stating the promise to pay prior to construction and the ordering of materials.

110.07 RATES. Rates for natural gas service are in Section 90.12 of this Code of Ordinances.

110.08 PURCHASE GAS ADJUSTMENT. The Utility shall be empowered to adjust the established consumer gas rates by an adjustment factor to compensate for the changes from the gas supplier to the Utility.

110.09 INTERSTATE MUNICIPAL GAS AGENCY.

1. The City has made the following findings and determinations:
 - A. The City authorizes the Utility to implement retail gas service and to be the City's member representative in the Interstate Municipal Gas Agency (IMGA), as a municipal natural gas agency, pursuant to the provisions of the Illinois Joint Municipal Natural Gas Act, contained at Division 119.2 of Article 11 of the Illinois Municipal Code, as amended (the "Act") for the purposes set forth in said Act.
 - B. Exhibit 1 of Ordinance No. 184 is a true and correct copy of the Agency Agreement establishing the IMGA and has been executed by each initial member municipality.
2. The City hereby joins as a member of the IMGA with the municipalities listed on Exhibit 2 to Ordinance No. 184, and with such other municipalities who have subsequently become members of the IMGA.
3. The Mayor is authorized and directed to execute and the City Clerk is directed to attest, pursuant to this section, the Supplement to the Agency Agreement establishing the IMGA, substantially in the form of Exhibit 3 to Ordinance No. 184. Said officers, by executing the Supplement to the Agency Agreement shall approve the terms and conditions to the Agency Agreement and the Supplement to the Agency Agreement.
4. The General Manager and Office Manager of the Utility, who have been duly appointed by the Mayor, are hereby authorized to serve as the Director and Alternate Director on the IMGA's Board of Directors.

110.10 NATURAL GAS RECIPIENTS.

1. Limitations. Whereas, Lamoni Municipal Utilities operates the natural gas distribution system, and has the ability to purchase and store natural gas, there are limitations imposed by ANR-Trans-Canada Pipeline concerning shipped and stored volumes by Small Transportation Service (STS) contract. Lamoni Municipal Utilities is required to comply with said limitations.

2. Gas Recipients Defined. Natural gas delivery to commercial-industrial end recipients. Commercial-industrial natural gas recipients will be referred to in the following as "Gas recipients." Qualifying Minimum: 25,000 DTH/year.

Commercial-industrial recipients are defined as those persons, firms or corporation who procure from other vendors natural gas to and through the Lamoni Municipal Gas Utility. A gas recipient nominates/receives delivery of natural gas as a wholesale commodity from other businesses. It is the sole responsibility of a gas recipient to satisfy the pecuniary requirements from said businesses who sell to said gas recipients wholesale natural gas.

3. Limits on Natural Gas. Lamoni Municipal Utilities may provide delivery of natural gas to gas recipients within its service area subject to volumes which do not exceed system demands, and the gas requirements of Lamoni Municipal Utilities customers.
4. Natural Gas Delivery. When Lamoni Municipal Utilities delivers gas for a gas recipient, a delivery charge will be required from the City gate to the recipient's meter in DTH. The rate for delivery will be set according to resolution by the Council. When a gas recipient's consumption exceeds the amount of natural gas which is nominated, Lamoni Municipal Utilities may provide the amount of supplemental gas. Should this amount of natural gas be provided, the gas recipient shall compensate Lamoni Municipal Utilities at the price of the prevailing natural gas rate as specified in the Lamoni Municipal Utilities Rate Schedule, plus the PGA (price of gas adjustment). Meter fees and administrative costs, will also be required of the gas recipient.
5. ANR Pipeline Costs. When a gas recipient utilizes the Lamoni Municipal Utilities' ANR natural gas shipping contract, natural gas moved in primary transportation (e.g. prior to reaching the City gate) will be assessed according to the prevailing shipper's-(ANR's) standard rate in DTH and will be billed to the gas recipient's outside vendor, or to the gas recipient directly, as a pass through cost. Transportation rate and billed to the outside nominating recipient's vendor as a pass-through cost. Costs incurred from gas recipients activities to, from, and in storage shall be paid to Lamoni Municipal Utilities as a pass-through cost.
6. Over-Nomination. In the event a gas recipient over-nominates, Lamoni Municipal Utilities will purchase the excess natural gas nominated at the standard ANR monthly rate as posted each month in Platt's Gas Market Report for the first of the month index for ANR. Over-nominations will be reduced by 10% DTH (rounded to a whole number) as an over-nomination penalty.

(Section 110.10 – Ord. 239 – Dec. 20 Supp.)

110.11 MAXIMUM DRAW LIMITATIONS. When the volumes Lamoni Municipal Natural Gas System, and, commercial-industrial natural gas recipients, and ANR STS contract conditions near maximum draw limitations are or appear to be eminent, the LMU General Manager shall immediately:

1. Notify the Mayor and City Administrator, and make notifications to natural gas recipients, and all LMU customers to conserve natural gas by lowering thermostats, and other measures to reduce consumption. (Commercial-industrial gas recipients are required not to exceed system demands. (Code of Ordinances 110-10. 1, 2, and 3).
2. Commercial-industrial gas recipients will be notified, and asked to conserve gas use and to come under their nominated daily volume.
3. Under the foregoing conditions, ANR pipeline costs will be required of gas recipients including attributable ANR emergency supply gas costs (Code of Ordinances 110.10 5).
4. In the event of insufficient nomination, or LMU over-taxed system demands, the General Manager of LMU shall give immediate notice and may cease delivery of natural gas.

(Section 110.11 – Ord. 255 – Jun. 22 Supp.)

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CHAPTER 111

ELECTRIC UTILITY

111.01 Definitions	111.07 Customer Electric Services
111.02 Purpose	111.08 Rural Service Extensions
111.03 Rules and Regulations	111.09 Service Extensions to New Subdivisions
111.04 Rates	111.10 Rural Primary Extensions
111.05 F.A.C. Adjustment	111.11 Regulating Use For Communications Purposes
111.06 Scope of Maintenance	111.12 Opt-Out Electric Metering Option

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

1. “F.A.C.” means the fuel adjustment clause, a factor which compensates for cost changes caused by the electric supplier to the Utility.
2. “Tariff” means the platform which defines the rules and parameters of the electric utility as regulated by the Iowa Utilities Board.
3. “Utility” means the Lamoni Municipal Utilities.

111.02 PURPOSE. The purpose of this chapter is to provide for the operation and rates of the municipally owned electric system.

111.03 RULES AND REGULATIONS. The rules and regulations for electric service are contained in the municipal electric tariff on file with the Iowa Utilities Board. The rules and regulations and subsequent required additional filings are contained therein. A copy of the tariff is on file at the Lamoni Municipal Utilities offices.

111.04 RATES. The rates for electric service are in Section 90.13 of this Code of Ordinances.

111.05 F.A.C. ADJUSTMENT. The Utility is authorized to adjust the electric rates by a factor as to compensate for changes caused by the electric supplier to the Utility.

111.06 SCOPE OF MAINTENANCE. The Utility is responsible for all repairs and maintenance from the primary electric line, up to and including the secondary meter. After the secondary electric meter, all maintenance and repairs are the responsibility of the customer.

111.07 CUSTOMER ELECTRIC SERVICES. New standard electric secondary services shall require a meter set installation service fee. New secondary services shall be underground. A 100-amp meter set and 200-amp meter set shall require a respective fee prior to services being activated. The customer will provide the trench for the installation of the wires from the meter to the main panel box including the connections at both points. The customer will provide the respective wire, ground rod, ground rod clamp, bonding copper wire, burial marker tape, and conduits after the meter set. The Utility will install a meter, and meter set with breaker. All lines and appurtenances installed after the meter are the responsibility of the customer and shall be inspected by an Iowa Electrical Inspector prior to activation.

For irregular services (400 amp, or 3-phase, etc.) a cost estimate will be provided to the customer upon request. The estimated cost will be based upon the (at-cost) cost of materials, equipment,

and labor (aid in construction). All fees and aid in construction charges shall be paid in full prior to a meter being installed and services being connected. In the event that the customer is a governmental subdivision, or a public school bound by Iowa law, a purchase order or writ stating the customer's promise to pay for labor, equipment, and materials will replace the cost or fees being paid in advance of materials being ordered and construction begins.

(Section 111.07 – Ord. 253 – Jun. 22 Supp.)

111.08 RURAL SERVICE EXTENSIONS. In serving customers outside the corporate limits of the City, the Utility shall make all standard, single-phase, line extensions along State or County right-of-ways at no charge to the customer. Extensions leaving the right-of-way shall require a contribution of aid in construction for the at-cost of that portion of the extension beyond the first 50 feet on the customer's property to the point of metering. In the case of underground extensions, the aid in construction cost shall cover the difference between the cost of an overhead construction and the cost of underground construction.

111.09 SERVICE EXTENSIONS TO NEW SUBDIVISIONS. Primary electric extensions to new subdivision of four or more lots shall require aid in construction by the owner or developer. The construction method shall be U.R.D. (underground residential distribution) in areas where subdivision development occurs.

111.10 RURAL PRIMARY EXTENSIONS. Rural and outlying areas may be extended by overhead or underground distribution methods to service customers who require electric service in areas that are not presently being served. Said extensions shall be made along public road right-of-ways, or by easement where a public right-of-way is not available. Primary extensions in rural areas shall not be provided to ultimate customers beyond the scope of the geographical tariff area.

111.11 REGULATE USE FOR COMMUNICATIONS PURPOSES.

1. Definitions.
 - A. "Communication Via Power Distribution System." Communication through the Lamoni Municipal Electrical Distribution System is any method of impressing or transmitting a signal through the electrical power distribution system by way of energized electrical distribution lines, system neutrals, or system static lines and grounds. Including, but not limited to, the use of a coupling capacitor or other technology to transmit or impress a signal upon or through the electrical distribution system.
 - B. "Signal Methods." Signaling methods are those technologies which utilize various frequencies, pulses, tones, data's, carriers, or computer language to send a signal through the power distribution system. Including, but not limited to: amplitude modulation, frequency modulation, phase modulation, pulse modulation, vestigial sideband modulation with suppressed carrier, carrier wave, spread-spectrum, digital, data burst, or other signaling methods.
2. Frequency and System Integrity. The use of the Lamoni Municipal Electric Distribution System operates for the purpose of providing electrical power to its customers. System frequency of 60 cycles per second A.C. shall be maintained without interference from connected sources including: frequencies that carry destructive odd harmonics, spurious emissions, poor power factor characteristics, and sources which produce low system voltages.

3. Reservation by Utility Sources. The Lamoni Municipal Utilities, and the Central Iowa Power Cooperative, may utilize their respective lines to: read meters, operate switches, and receive and transmit system data.
4. Prohibited Acts. The use of the Lamoni Municipal Utility electrical distribution system by others for the purpose of communication, or control-signaling shall be prohibited. Violation of this section shall be a municipal infraction.

(Section 111.11 – Ord. 240 – Dec. 20 Supp.)

111.12 OPT-OUT ELECTRIC METERING OPTION.

1. Eligible Customers. Residential customers served by Lamoni Municipal Utilities who desire to meter in a conventional metering scheme with an affordable conventional metering rate shall be given the choice to meter in a conventional metering application, in the advent where Advanced Metering Infrastructure (A.M.I.) metering is imposed.

Electric customers who meter by time of day, net metering, cogeneration, or alternate energy metering applications are not eligible.

2. Continuation of Service. Residential electric customers who option/out shall be afforded the choice of continuing with a conventional analog, or non-transmitting digital meter whether they start service, move service locations, or their conventional meter requires replacement. In circumstances where conventional analog or non-transmitting digital metering is not preferable, a residential customer may request that an A.M.I. meter programmed to pulse/transmit once a month may be chosen in instances where A.M.I. is available or imposed.
3. Metering Safety. Whereas, conventional analog and non-transmitting digital meters afford the customer with reduced radio frequency exposure, privacy, accuracy, cyber-security, and long-lasting dependability, the residential customer shall be afforded the choice to use conventional metering.

(I.U.B. Rule Docket NOS. 2018-0007)

(Section 111.12 – Ord. 245 – Dec. 20 Supp.)

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CHAPTER 112
CABLE TELEVISION FRANCHISE AND
REGULATIONS

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112.02 Grant	112.21 Renewal of Franchise
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112.04 Other Authorizations	112.23 Transfer of Franchise
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112.07 Relocation for the Franchising Authority	112.26 Indemnification
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112.09 Trimming of Trees and Shrubbery	112.28 Grantee's Right to Cure or Respond
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112.13 Required Extensions of the Cable Service	112.32 Force Majeure
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112.15 Cable Service to Public Buildings	112.34 Entire Agreement
112.16 Emergency Alert	112.35 Reservation of Rights
112.17 Reimbursement of Costs	112.36 Notice
112.18 Public Educational and Government Access Channel	112.37 Term and Effective Date
112.19 Franchise Fee	

112.01 DEFINITIONS. The following words and phrases, when used herein, shall, for the purposes of this chapter, have the meanings ascribed to them in this section:

1. "Basic cable" is the lowest priced tier of cable service that includes the retransmission of local broadcast television signals.
2. "Cable Act" means Title VI of the Communications Act of 1934, as amended.
3. "Cable services" means (i) the one-way transmission to subscribers of video programming or other programming service; and (ii) subscriber interaction, if any, which is required for the selection or use of such video programming or any other programming service.
4. "Cable system" means the Grantee's facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple customers within the service area.
5. "FCC" means Federal Communications Commission or successor governmental entity thereto.
6. "Franchising Authority" means the City of Lamoni.
7. "Grantee" means MCC Iowa LLC, or the lawful successor, transferee or assignee thereof.
8. "Gross revenue" means any revenues received from the operation of the cable system to provide cable services in the service area, provided, however, that gross revenues shall not include franchise fees, the FCC user fee, any tax, fee or assessment of general applicability collected by the Grantee from subscribers for pass-through to a government agency.

9. "Person" means an individual, partnership, association, joint stock company, trust, corporation or governmental entity.
10. "Public way" means the surface of, and the space above and below any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips or rights-of-way dedicated for compatible uses now or hereafter held by the Franchising Authority in the service area which shall entitle the Grantee to the use thereof for the purpose of installing, operating, repairing and maintaining the cable system.
11. "Service area" means the present boundaries of the Franchising Authority and includes any additions thereto by annexation or other legal means, subject to the exceptions in Section 112.13.
12. "Standard installation" is defined as 125 feet from the nearest tap to the subscriber's terminal.
13. "Subscriber" means a person who lawfully receives cable service of the cable system with the Grantee's express permission.

112.02 GRANT. The Franchising Authority hereby grants to the Grantee a nonexclusive franchise which authorizes the Grantee to construct and operate a cable system in, along, among, upon, across, above, over, under or in any manner connected with public ways within the service area and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain or retain in, on, over, under, upon, across or along any public way such facilities and equipment as may be necessary or appurtenant to the cable system for the transmission and distribution of cable services, data services, information and other communications services or for any other lawful purposes.

112.03 OTHER ORDINANCES. The Grantee agrees to comply with the terms of any lawfully adopted generally applicable local ordinance, to the extent that the provisions of the ordinance do not have the effect of limiting the benefits or expanding the obligations of the Grantee that are granted by this franchise. Neither party may unilaterally alter the materials rights and obligations set forth in this franchise. In the event of a conflict between any ordinance as of the effective date of the franchise and this franchise, the franchise shall control.

112.04 OTHER AUTHORIZATIONS. The Franchising Authority shall not permit any person to provide services similar to those provided by the Grantee in the service area without first having secured a non-exclusive franchise from the Franchising Authority. The Franchising Authority agrees that any grant of additional franchises or other authorizations including OVS authorizations by the Franchising Authority to provide services similar to those provided by the Grantee pursuant to this agreement to any other entity shall cover the entire service area and shall not be on terms and conditions more favorable or less burdensome to the grantee of any such additional franchise or other authorization than those which are set forth herein. In any renewal of the franchise, the Franchising Authority, should it seek to impose increased obligations upon the Grantee, must take into account any additional franchise(s) or authorizations previously granted and find that the proposed increased obligations in the renewal are not more burdensome and/or less favorable than those contained in any such additional franchises or authorizations.

112.05 CONDITIONS OF OCCUPANCY. The cable system installed by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of public ways and with the rights and reasonable convenience of property owners who own property that adjoins any such public ways.

112.06 RESTORATION OF PUBLIC WAYS. If during the course of Grantee's construction, operation or maintenance of the cable system there occurs a disturbance of any public way by the Grantee, the Grantee shall replace and restore such public way to a condition reasonably comparable to the condition of the public way existing immediately prior to such disturbance.

112.07 RELOCATION FOR THE FRANCHISING AUTHORITY. Upon its receipt of reasonable advance notice, to be not less than 10 business days, the Grantee shall protect, support, raise, lower, temporarily disconnect, relocate in or remove from the public way any property of the Grantee when lawfully required by the Franchising Authority by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes or any other type of public structures or improvements which are not used to compete with the Grantee's services. The Grantee shall in all cases have the right of abandonment of its underground property, subject to proper disposal and financial responsibility for abandoned property.

112.08 RELOCATION FOR A THIRD PARTY. The Grantee shall, on the request of any person holding a lawful permit issued by the Franchising Authority, protect, support, raise, lower, temporarily disconnect, relocate in or remove from the public way as necessary any property of the Grantee, provided: (i) the expense of such is paid by the person benefiting from the relocation, including, if required by the Grantee, making such payment in advance; and (ii) the Grantee is given reasonable advance written notice to prepare for such changes. For purposes of this subsection, "reasonable advance written notice" shall be no less than 30 business days in the event of a temporary relocation, and no less than 120 days for a permanent relocation.

112.09 TRIMMING OF TREES AND SHRUBBERY. The Grantee shall have the authority to trim trees or other natural growth in order to access and maintain the cable system. The Grantee will issue prior notification to property owners before trimming of trees and shrubbery occurs.

112.10 SAFETY REQUIREMENTS. Construction, operation and maintenance of the cable system shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with generally applicable federal, State and local regulations and the *National Electric Safety Code*.

112.11 UNDERGROUND CONSTRUCTION. In those areas of the service area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, the Grantee likewise shall construct, operate and maintain all of its cable system underground. Nothing contained in this section shall require the Grantee to construct, operate and maintain underground any ground-mounted appurtenances.

112.12 ACCESS TO OPEN TRENCHES. The Franchising Authority agrees to include the Grantee in the platting process for any new subdivision. At a minimum, the Franchising Authority agrees to require as a condition of issuing a permit for open trenching to any utility

or developer that: (i) the utility or developer give the Grantee at least 10 days' advance written notice of the availability of the open trench; and (ii) that the utility or developer provide the Grantee with reasonable access to the open trench. Notwithstanding the foregoing, the Grantee shall not be required to utilize any open trench.

112.13 REQUIRED EXTENSIONS OF THE CABLE SYSTEM. Grantee agrees to provide cable service to all residences in the service area subject to the density requirements specified in this section. Whenever the Grantee receives a request for cable service from a potential subscriber in a unserved area contiguous to Grantee's existing distribution facilities where there are at least 10 residences within 1,320 cable-bearing strand feet (one-quarter cable mile) from the portion of the Grantee's trunk or distribution cable which is to be extended, it shall extend its cable system to such subscribers at no cost to said subscribers for cable system extension, other than the published standard/non-standard installation fees charged to all subscribers. Notwithstanding the foregoing, the Grantee shall have the right, but not the obligation, to extend the cable system into any portion of the service area where another operator is providing cable service, into any annexed area which is not contiguous to the present service area of the Grantee, or into any area which is financially or technically infeasible due to extraordinary circumstances, such as a runway or freeway crossing.

112.14 SUBSCRIBER CHARGES FOR EXTENSIONS OF SERVICE. No subscriber shall be refused service arbitrarily. However, if an area does not meet the density requirements of Section 112.13, the Grantee shall only be required to extend the cable system to subscribers in that area if the subscribers are willing to share the capital costs of extending the cable system. Specifically, the Grantee shall contribute a capital amount equal to the construction cost per mile, multiplied by a fraction whose numerator equals the actual number of residences per 1,320 cable-bearing strand feet from the Grantee's trunk or distribution cable, and whose denominator equals 10. Subscribers who request service hereunder will bear the remaining cost to extend the cable system on a *pro rata* basis. The Grantee may require that payment of the capital contribution in aid of construction borne by such potential subscribers be paid in advance. Subscribers shall also be responsible for any standard/non-standard installation charges to extend the cable system from the tap to the residence.

112.15 CABLE SERVICE TO PUBLIC BUILDINGS. The Grantee, upon request, shall provide without charge a standard installation and one outlet of basic cable to those administrative buildings owned or occupied by the Franchising Authority, fire stations, police stations and K-12 schools that are passed by its cable system. The cable service provided shall not be distributed beyond the originally installed outlet without authorization from the Grantee. The cable service provided shall not be used for commercial purposes and such outlets shall not be located in areas open to the public. The Franchising Authority shall take reasonable precautions to prevent any inappropriate use of the Grantee's cable system or any loss or damage to the cable system. The Franchising Authority shall hold the Grantee harmless from any and all liability or claims arising out of the provision and use of cable service required by this section. The Grantee shall not be required to provide an outlet to such buildings where a non-standard installation is required, unless the Franchising Authority or building owner/occupant agrees to pay the incremental cost of any necessary cable system extension and/or non-standard installation. If additional outlets of basic cable are provided to such buildings, the building owner/occupant shall pay the usual installation and service fees associated therewith. During the franchise period, the following buildings located in the City will be provided the above mentioned standard installation:

1. Lamoni Elementary School

2. Lamoni Middle School
3. Lamoni High School
4. Public Library
5. City Hall
6. Fire Station
7. Police Station
8. Community Center
9. Utility Building

112.16 EMERGENCY ALERT. An Emergency Alert System (“EAS”) provided by Grantee shall be operated in accordance with FCC regulations. Except to the extent expressly prohibited by law, the Franchising Authority will hold the Grantee, its employees, officers and assigns harmless from any claims arising out of use of the EAS, including but not limited to reasonable attorneys’ fees and costs.

112.17 REIMBURSEMENT OF COSTS. If funds are available to any person using the public way for the purpose of defraying the cost of any of the foregoing, the Franchising Authority shall reimburse the Grantee in the same manner in which other persons affected by the requirement are reimbursed. If the funds are controlled by another governmental entity, the Franchising Authority shall make application for such funds on behalf of the Grantee.

112.18 PUBLIC EDUCATIONAL AND GOVERNMENT ACCESS CHANNEL. Grantee shall continue to provide the Franchising Authority throughout the term of this franchise one PEG access channel currently in use by the Franchising Authority. In accordance with federal law, Grantee will be entitled to use any PEG access channel capacity for the provision of other services at any time such channel capacity is not being used for the designated PEG access purposes. The access channel shall be made available to the City by Grantee for the purpose of cablecasting non-commercial programming by Franchising Authority residents, City administration and educational institutions. The City agrees not to use the access channel to provide commercial or revenue-generating services or services that may compete, directly or indirectly, with services provided by the Grantee, provided however, that the City may cablecast acknowledgments of funding sources and the underwriting of programming costs. Such acknowledgements will be deemed non-commercial if they are within the standards for underwriting applicable to the Public Broadcasting Service (PBS) or the standards necessary to maintain tax-exempt status within the applicable regulations of the Internal Revenue Service. Programming shall not lose its non-commercial character by reason of including public or charitable fund-raising events or activities, or donor and underwriting announcements reflecting funding provided by for-profit or non-profit entities for PEG programming in accordance with the provisions of 47 C.F.R. 73.621 of the FCC’s Rules.

112.19 FRANCHISE FEE.

1. The Grantee shall pay to the Franchising Authority a franchise fee of five percent of annual gross revenues (as defined in Section 112.01 of this chapter). In accordance with the Cable Act, the 12-month period applicable under the franchise for the computation of the franchise fee shall be a calendar year. The franchise fee payment shall be paid on a semi-annual basis for the periods ending June 30 and December 31 with payment due within 45 days of such period. Each payment shall be

accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation.

2. Limitation on Franchise Fee Actions. The period of limitation for recovery by the Franchising Authority of any franchise fee payable hereunder shall be three years from the date on which payment by the Grantee is due to the Franchising Authority.

112.20 RATES AND CHARGES. The Franchising Authority may regulate rates for the provision of basic cable and equipment as expressly permitted by federal law.

112.21 RENEWAL OF FRANCHISE.

1. The Franchising Authority and the Grantee agree that any proceedings undertaken by the Franchising Authority that relate to the renewal of the Grantee's franchise shall be governed by and comply with the provisions of federal law.

2. In addition to the procedures set forth in the Cable Act, the Franchising Authority agrees to notify the Grantee of its assessments regarding the identity of future cable-related community needs and interests, as well as the past performance of the Grantee under the then current franchise term. The Franchising Authority further agrees that such assessments shall be provided to the Grantee promptly so that the Grantee has adequate time to submit a proposal pursuant to the Cable Act and complete renewal of the franchise prior to expiration of its term.

3. Notwithstanding anything to the contrary set forth in this section, the Grantee and the Franchising Authority agree that at any time during the term of the then current franchise, while affording the public appropriate notice and opportunity to comment in accordance with the provisions of federal law, the Franchising Authority and Grantee may agree to undertake and finalize informal negotiations regarding renewal of the then current franchise and the Franchising Authority may grant a renewal thereof.

4. The Grantee and the Franchising Authority consider the terms set forth in this section to be consistent with the express renewal provisions of the Cable Act.

112.22 CONDITIONS OF SALE. If a renewal or extension of Grantee's franchise is denied or the franchise is lawfully terminated, and the Franchising Authority either lawfully acquires ownership of the cable system or by its actions lawfully effects a transfer of ownership of the cable system to another party, any such acquisition or transfer shall be at the price determined pursuant to the provisions set forth in Section 627 of the Cable Act. The Grantee and the Franchising Authority agree that in the case of a final determination of a lawful revocation of the franchise, the Grantee shall be given at least 12 months to effectuate a transfer of its cable system to a qualified third party. Furthermore, the Grantee shall be authorized to continue to operate pursuant to the terms of its prior franchise during this period. If, at the end of that time, the Grantee is unsuccessful in procuring a qualified transferee or assignee of its cable system which is reasonably acceptable to the Franchising Authority, the Grantee and Franchising Authority may avail themselves of any rights they may have pursuant to federal or State law. It is further agreed that the Grantee's continued operation of its cable system during the twelve-month period shall not be deemed to be a waiver, nor an extinguishment of, any rights of either the Franchising Authority or the Grantee.

112.23 TRANSFER OF FRANCHISE. The Grantee's right, title or interest in the franchise shall not be sold, transferred, assigned or otherwise encumbered, other than to an entity controlling, controlled by or under common control with the Grantee, without prior

written notice to the Franchising Authority. No such notice shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title or interest of the Grantee in the franchise or cable system in order to secure indebtedness.

112.24 BOOKS AND RECORDS. The Grantee agrees that the Franchising Authority, upon 30 days' written notice to the Grantee and no more than once annually, may review such of its books and records at the Grantee's business office, during normal business hours and on a non-disruptive basis, as is reasonably necessary to ensure compliance with the terms of this franchise. Such notice shall specifically reference the section of the franchise which is under review, so that the Grantee may organize the necessary books and records for easy access by the Franchising Authority. Alternatively, if the books and records are not easily accessible at the local office of the Grantee, the Grantee may, at its sole option, choose to pay the reasonable travel costs of the Franchising Authority's representative to view the books and records at the appropriate location. The Grantee shall not be required to maintain any books and records for franchise compliance purposes longer than three years. Notwithstanding anything to the contrary set forth herein, the Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature, nor disclose books and records of any affiliate which is not providing cable service in the service area. The Franchising Authority agrees to treat any information disclosed by the Grantee as confidential and only to disclose it to employees, representatives and agents thereof that have a need to know, or in order to enforce the provisions hereof. The Grantee shall not be required to provide subscriber information in violation of Section 631 of the Cable Act.

112.25 INSURANCE REQUIREMENTS. The Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the franchise. The Franchising Authority shall be designated as an additional insured and such insurance shall be non-cancellable except upon 30 days' prior written notice to the Franchising Authority. Upon written request the Grantee shall provide a Certificate of Insurance showing evidence of the coverage required by this section.

112.26 INDEMNIFICATION. The Grantee agrees to indemnify, save and hold harmless and defend the Franchising Authority, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death) which arise out of the Grantee's construction, operation or maintenance of its cable system in the service area, provided that the Franchising Authority shall give the Grantee written notice of its obligation to indemnify the Franchising Authority within 10 days of receipt of a claim or action pursuant to this section. Notwithstanding the foregoing, the Grantee shall not indemnify the Franchising Authority for any damages, liability or claims resulting from the willful misconduct or negligence of the Franchising Authority.

112.27 NOTICE OF VIOLATION. In the event that the Franchising Authority believes that the Grantee has not complied with any material term of the franchise, the Franchising Authority shall informally discuss the matter with Grantee. If these discussions do not lead to resolution of the problem, the Franchising Authority shall notify the Grantee in writing of the exact nature of the alleged noncompliance.

112.28 GRANTEE'S RIGHT TO CURE OR RESPOND. The Grantee shall have 30 days from receipt of the notice described in Section 112.27 to: (i) respond to the Franchising Authority contesting the assertion of noncompliance; or (ii) to cure such default; or (iii) in the event that, by the nature of the default, such default cannot be cured within the 30-day period,

initiate reasonable steps to remedy such default and notify the Franchising Authority of the steps being taken and the projected date that they will be completed.

112.29 PUBLIC HEARING. In the event that the Grantee fails to respond to the notice as described in Section 112.27 pursuant to the procedures set forth in Section 112.28, or in the event that the alleged default is not remedied within 30 days or the date projected pursuant to Section 112.28(iii) above, if it intends to continue its investigation into the default, then the Franchising Authority shall schedule a public hearing. The Franchising Authority shall provide the Grantee at least 10 days' prior written notice of such hearing, which specifies the time, place and purpose of such hearing and provide the Grantee the opportunity to be heard.

112.30 ENFORCEMENT. Subject to applicable federal and State law, in the event the Franchising Authority, after the hearing set forth in 112.29, determines that the Grantee is in default of any provision of the franchise, the Franchising Authority may:

1. Commence an action at law for monetary damages or seek other equitable relief; or
2. In the case of repeated or ongoing substantial noncompliance with a material term or terms of the franchise, seek to revoke the franchise in accordance with Section 112.31.

112.31 REVOCATION. Should the Franchising Authority seek to revoke the franchise after following the procedures set forth in Sections 112.27 – 112.30, the Franchising Authority shall give written notice to the Grantee of its intent. The notice shall set forth the exact nature of the repeated or ongoing substantial noncompliance with a material term or terms of the franchise. The Grantee shall have 90 days from such notice to object in writing and to state its reasons for such objection. In the event the Franchising Authority has not received a satisfactory response from the Grantee, it may then seek termination of the franchise at a public meeting. The Franchising Authority shall cause to be served upon the Grantee, at least 30 days prior to such public meeting, a written notice specifying the time and place of such meeting and stating its intent to revoke the franchise. At the designated hearing, Grantee shall be provided a fair opportunity for full participation, including the right to be represented by legal counsel, to introduce relevant evidence, to require the production of evidence, to compel the relevant testimony of the officials, agents, employees or consultants of the Franchising Authority, to compel the testimony of other persons as permitted by law, and to question witnesses. A complete verbatim record and transcript shall be made of such hearing. Following the hearing, the Franchising Authority shall determine whether or not the franchise shall be revoked. If the Franchising Authority determines that the franchise shall be revoked, the Franchising Authority shall promptly provide Grantee with its decision in writing. The Grantee may appeal such determination to an appropriate court, which shall have the power to review the decision of the Franchising Authority *de novo*. Grantee shall be entitled to such relief as the court finds appropriate. Such appeal must be taken within 60 days of the Grantee's receipt of the determination of the Franchising Authority. The Franchising Authority may, at its sole discretion, take any lawful action which it deems appropriate to enforce the Franchising Authority's rights under the franchise in lieu of revocation of the franchise.

112.32 FORCE MAJEURE. The Grantee shall not be held in default under or in noncompliance with the provisions of the franchise or suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate

and control. This provision includes work delays caused by waiting for utility providers to service or monitor their utility poles to which Grantee's cable system is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary. Furthermore, the parties hereby agree that it is not the Franchising Authority's intention to subject the Grantee to penalties, fines, forfeitures or revocation of the franchise for violations of the franchise where the violation was a good faith error that resulted in no or minimal negative impact on the subscriber within the service area, or where strict performance would result in practical difficulties and hardship to the Grantee which outweigh the benefit to be derived by the Franchising Authority and/or subscribers.

112.33 ACTIONS OF PARTIES. In any action by the Franchising Authority or the Grantee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

112.34 ENTIRE AGREEMENT. This franchise constitutes the entire agreement between the Grantee and the Franchising Authority and supersedes all other prior understandings and agreements oral or written. Any amendments to this franchise shall be mutually agreed to in writing by the parties.

112.35 RESERVATION OF RIGHTS. Acceptance of the terms and conditions of this franchise will not constitute, or be deemed to constitute, a waiver, either expressly or impliedly, by Grantee of any constitutional or legal right which it may have or may be determined to have, either by subsequent legislation or court decisions. The Franchising Authority acknowledges that Grantee reserves all of its rights under applicable federal and State Constitutions and laws.

112.36 NOTICE. Unless expressly otherwise agreed between the parties, every notice or response required by this franchise to be served upon the Franchising Authority or the Grantee shall be in writing, and shall be deemed to have been duly given to the required party when placed in a properly sealed and correctly addressed envelope: (i) upon receipt when hand delivered with receipt/acknowledgment; (ii) upon receipt when sent certified, registered mail; (iii) within five business days after having been posted in the regular mail; or (iv) the next business day if sent by express mail or overnight air courier. The notices or responses to the Franchising Authority shall be addressed as follows:

City of Lamoni
190 S. Chestnut
Lamoni, IA 50140

The notice of responses to the Grantee shall be addressed as follows:

MCC Iowa LLC
Attn: Government Relations
2195 Ingersoll Avenue
Des Moines, IA 50312-5289

With a copy to:

MCC Iowa LLC
100 Crystal Run Road
Middletown, NY 10941
Attn: Legal Affairs

The Franchising Authority and the Grantee may designate such other address or addresses from time to time by giving notice to the other in the manner provided for in this section.

112.37 TERM AND EFFECTIVE DATE. The effective date of this franchise is the date of final adoption by the Franchising Authority as set forth in the Editor's Note below,[†] and publication as provided by law, subject to Grantee's acceptance by countersigning where indicated on the ordinance. This franchise shall expire on December 8, 2020, unless extended by the mutual agreement of the parties.

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[†] **EDITOR'S NOTE:** Ordinance No. 150, adopting a cable television franchise for the City, was passed and adopted on December 8, 2005.

CHAPTER 113

REGULATION OF CABLE TELEVISION RATES

113.01 Purpose

113.02 Full Regulatory Power Reserved

113.03 Procedures for Implementing Regulation of Basic Cable Service

113.04 Consultant and Costs

113.05 Application of the Requirements in This Chapter

113.01 PURPOSE. This chapter will govern the procedures to be undertaken by the City for the regulation of Grantee's (as defined in Chapter 112) cable television rates pursuant to the 1992 Cable Act and the regulations of the FCC.

113.02 FULL REGULATORY POWER RESERVED. All rates and charges for basic cable service and any other cable programming services, as defined by the 1992 Cable Act and applicable FCC regulations, to the extent permissible, shall be subject to regulation by the City in a manner provided by this chapter. This chapter shall apply to all cable television system operators in the City. The Grantee and/or any other operator of a cable television system operating in the City shall be subject to the rate regulation provisions provided for herein, and those of the FCC at 47 C.F.R., Part 76.900, Subpart N. The City reserves the right to amend this chapter from time to time consistent with the requirements of the FCC, and State and federal law.

113.03 PROCEDURES FOR IMPLEMENTING REGULATION OF BASIC CABLE SERVICE.

1. The City hereby adopts and shall follow the rules relating to cable rate regulation promulgated by the FCC at 47 C.F.R., Part 76.900, Subpart N.
2. The City Clerk will send to Grantee and each operator of a cable television system in the City, via Certified Mail, Return Receipt Requested, a written notice, which shall include a copy of the ordinance codified herein and the completed FCC Form 328.
3. Within 30 days after receipt of the notice referenced in subsection 2, Grantee and any other cable television operator shall have thirty (30) days to respond with rate and benchmark information utilizing FCC Form 393 --*Determination of Maximum Initial Permitted Rates For Regulated Cable Services and Actual Cost of Equipment*.
 - A. If the initial rates and/or any subsequent rate increases are within the FCC standards, the rates will be effective 30 days after submission.
 - B. If the City is unable to determine whether the rate in issue is within the FCC's standards, based on the material before it, or if the Grantee or any other cable operator has submitted a cost-of-service showing seeking to justify a rate above the FCC's reasonable rate level, the City may take an additional period of time to make a final determination and toll the effective date of the proposed rates for a commensurate period.
 - (1) The City may take an additional 90 days if it needs more time to ensure that a rate is within the FCC's rate standards.

(2) The City may take an additional 150 days to evaluate a cost-of-service showing seeking to justify a rate above the reasonable rate level.

(3) The City must issue a brief written decision regarding its invocation of the additional time period.

C. If no action is taken within the above referenced time periods, the proposed rates will go into effect, subject to subsequent refund orders if the City later issues a decision disapproving any portion of the proposed rates.

D. In all cases, the City will issue a written decision to approve the rate schedule, disapprove the rate schedule or continue for review.

E. If rates are in excess of the FCC's standards, the rates may be reduced by the City pursuant to applicable FCC regulations.

4. After the initial rate schedule procedures are followed, as described in this section, Grantee and/or any other cable operator shall, in conjunction with each change in the rates and charges applicable to basic cable service, conform to the standards of the FCC. Before any rate change is effective, Grantee and/or any other operator shall notify the City of its requested rate change by giving the City 30 days' advance written notice before the change is effective and by providing the City with its rates and applicable information pursuant to FCC regulations.

5. To the extent specifically permitted by federal law and applicable FCC rules, Grantee and/or any other cable operator shall be permitted to appeal to the FCC for a review of the decision of the City.

113.04 CONSULTANT AND COSTS.

1. The City may utilize a rate consultant to advise it on proposed rate changes and to assist it in the procedures and the standards for review adopted by the FCC. A rate consultant may be any person who has sufficient background and experience, in the sole opinion of the City, to properly evaluate and analyze rates and charges.

2. All costs for the review of initial rates or rate charges shall be paid by the cable operator upon demand of the City, unless contrary to applicable rules of the FCC governing these procedures or unless otherwise specifically preempted by State or federal law. The costs shall include, but not be limited to, rate consultants, attorney's fees and the reasonable value of services (as determined by the City) rendered by the City or any City employees, agents or representatives of the City.

113.05 APPLICATION OF THE REQUIREMENTS IN THIS CHAPTER. The requirements described in this chapter are applicable to the Grantee and all operators of cable television systems within the City subject to rate regulation according to the 1992 Cable Act and applicable FCC rules.

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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 which 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 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 which 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 which 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 which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[21])

12. Permit or allow any person under 21 years of age to remain upon licensed premises unless over 50 percent of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a class "C" beer permit only.

120.06 AMUSEMENT DEVICES. The following provisions pertain to electrical or mechanical amusement devices possessed and used in accordance with Chapter 99B of the *Code of Iowa*. (Said devices are allowed only in premises with a liquor control license or beer permit, as specifically authorized in said Chapter 99B.)

(Code of Iowa, Sec. 99B.57)

1. As used in this section, "registered electrical or mechanical amusement device" means an electrical or mechanical device required to be registered with the Iowa Department of Inspection and Appeals, as provided in Section 99B.53 of the *Code of Iowa*.

2. It is unlawful for any person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing a registered electrical or mechanical amusement device, or an employee of a person owning or leasing a registered electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of a registered electrical or mechanical amusement device with a person under the age of 21.

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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, cigarette shall not 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 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)

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

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit, and any permit issued, to the Alcoholic Beverages Division of the Department of Commerce within 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. A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 21 years of age. The provision of this section includes prohibiting a person under 21 years of age 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 \$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 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 \$1,500.00 or the retailer's permit shall be suspended for a period of 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 60 days.
5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give 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])

(Section 121.07 – Ord. 249 – Dec. 20 Supp.)

121.08 SELF-SERVICE SALES PROHIBITED. Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36[6] of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

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 30 days of the revocation or suspension.

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

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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 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 \$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. In addition to the application fee, the following license fees shall be paid to the Clerk prior to the issuance of any license.

- 1. For one day..... \$ 5.00
- 2. For one week..... \$ 15.00
- 3. For one month..... \$ 25.00
- 4. For one year or major part thereof..... \$ 35.00

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 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 \$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 Lamoni Community Schools 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 Fee

123.07 Permit Issued
123.08 Public Safety
123.09 Time Limit
123.10 Removal by City
123.11 Protect Pavement
123.12 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. Buildings of less than 100 square feet are exempt from the provisions of this chapter.

123.03 APPLICATION. Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, 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 \$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 FEE. A permit fee of \$10.00 shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

123.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than 12 hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.09 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

123.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one inch in width for each 1,000 pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 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

ADULT USES

124.01 Definitions

124.02 Location

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

1. “Adult uses” include adult amusement or entertainment, adult book store or gift shop, adult hotel or motel, adult photo studio, adult theater and massage parlor.
2. “Adult amusement or entertainment” means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, including but not limited to: topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
3. “Adult book store or gift shop” means an establishment having as a substantial and significant portion of its stock in trade books, magazines and other periodicals or goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein.
4. “Adult hotel or motel” means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by the individuals herein.
5. “Adult photo studio” means an establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing specified anatomical areas, as defined herein, for observation by the individuals therein.
6. “Adult theater” means a theater wherein a substantial and significant portion of the materials presented are distinguished or characterized or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons herein.
7. “Massage parlor” means any building, room, place or establishment where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on specified sexual activities or specified anatomical areas, as defined herein, by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse or practical nurse operating under a physician’s direction, physical therapist, podiatrist, registered speech pathologist and physical or occupational therapist who treat only patients recommended by a licensed physician and operate only under such physician’s direction, whether with or without the use of mechanical, therapeutic or bathing devices, and includes Turkish bath houses. The term does not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

8. “Specified anatomical areas” means less than completely and opaquely covered human genital, pubic region, buttocks; and a female breast below a point above the top of the areola; and human genitals in a discernibly turgid state (even if completely and opaquely covered).

9. “Specified sexual activities” means patently offensive acts, exhibitions, representations, depictions or descriptions of: (i) human genitals in a state of sexual stimulation or arousal; (ii) fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; (iii) intrusion, however slight, actual or stimulated, by an object, any part of an animal’s body, or any part of a person’s body into the genital and anal openings of a person’s body; (iv) cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated; (v) flagellation, mutilation or torture, actual or simulated, in a sexual context.

124.02 LOCATION. The location of adult uses near a regularly scheduled school bus stop, personal residence, a public or parochial school, licensed day care facility, church, public park, or any dwelling (one-family, two-family, or multiple dwelling), or near City Hall, has a deleterious effect on both the business and residential segments of the City. Control of adult uses is needed to meet the expectations of the general public and to conform with prohibition of adult uses within the perimeter zoning district. Accordingly, adult uses within the corporate limits of the City are prohibited.

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CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices	135.08 Burning Prohibited
135.02 Obstructing or Defacing	135.09 Excavations
135.03 Placing Debris On	135.10 Property Owner's Responsibility for Maintenance
135.04 Playing In	135.11 Failure to Maintain
135.05 Traveling on Barricaded Street or Alley	135.12 Dumping of Snow
135.06 Use for Business Purposes	135.13 Driveway Culverts
135.07 Washing Vehicles	

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 City Administrator.

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. Contractor's License. No person, firm, or corporation, as applicant, shall be issued an excavation permit unless and until said applicant files with the Clerk a copy of a current contractor's license issued to said applicant by the State of Iowa. Any person violating this subsection shall be subject to a fine of not less than \$100.00.

3. 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.

4. 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.

5. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of \$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 administration of this section. In lieu of a surety bond, a cash deposit of \$5,000.00 may be filed with the City.

6. 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.

7. 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.

8. 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 24 hours prior to the time when inspection of backfill is desired.
9. Rejection of Backfill or Repair. Whenever the City rejects the manner in which the permit holder/property owner filled the excavation and repaired the surface of the street or alley, the City shall immediately notify the permit holder/property owner and the City Administrator shall make specific recommendations to said permit holder/property owner of what will be necessary in order to meet the requirements of this section and shall allow the permit holder/property owner a stated length of time in which to make the required repairs to meet said requirements. Said length of time shall be reasonable in relation to the amount of work necessary, the time of year and weather conditions. Upon receiving notice from the permit holder/property owner that the recommended work has been completed, the City shall inspect the excavation site and either approve or reject. Each permit holder/property owner whose work is rejected shall have a right to meet the requirements prescribed by the City; however, if said work is rejected on two consecutive inspections under one permit on the same project, the Mayor may cause the work to be done in a manner to meet the requirements of this section and declare forfeit so much of the bond as will be equal to the expense incurred by the City in repairing the site. The Mayor may grant the permit holder/property owner additional time in which to meet said requirements, and when such an extension is given, the permit holder/property owner shall be required to pay to the City Administrator an additional sum of \$5.00 for every inspection made after the first two inspections and rejections.
10. Completion by the City of Uncompleted Work. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of 24 hours after the approved completion date, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner.
11. 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.
12. Notification. At least 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*.
11. Permit Fee. A permit fee in an amount established by resolution of the Council shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.
12. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.
13. Permit Exemption. Utility companies are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions.

135.10 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE. 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. 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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[†] **EDITOR'S NOTE:** See also Section 136.04 relating to property owner's responsibility for maintenance of sidewalks.

CHAPTER 136

SIDEWALK REGULATIONS

136.01 Purpose	136.10 Failure to Repair or Barricade
136.02 Definitions	136.11 Interference with Sidewalk Improvements
136.03 Removal of Snow, Ice and Accumulations	136.12 Awnings
136.04 Responsibility for Maintenance	136.13 Encroaching Steps
136.05 City May Order Repairs	136.14 Openings and Enclosures
136.06 Sidewalk Construction Ordered	136.15 Fires or Fuel on Sidewalks
136.07 Permit Required	136.16 Defacing
136.08 Sidewalk Standards	136.17 Debris on Sidewalks
136.09 Barricades and Warning Lights	136.18 Merchandise Display
	136.19 Sales Stands

136.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. “Broom finish” means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. “Established grade” means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. “One-course construction” means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. “Owner” means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, “owner” includes the lessee, if any.
5. “Portland cement” means any type of cement except bituminous cement.
6. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
7. “Sidewalk improvements” means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
8. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS. The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within a reasonable time, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. 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 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall 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 of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three-inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.
4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
5. Length, Width and Depth. Length, width and depth requirements are as follows:
 - A. Residential sidewalks shall be at least four feet wide and four inches thick, and each section shall be no more than four feet in length.
 - B. Business District sidewalks shall extend from the property line to the curb. Each section shall be four inches thick and no more than six feet in length.
 - C. Driveway areas shall be not less than six inches in thickness.

6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council establishes a different distance due to special circumstances.
7. Grade. Curb tops shall be on level with the centerline of the street which shall be the established grade.
8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall slope one-quarter inch per foot toward the curb.
10. Finish. All sidewalks shall be finished with a broom or wood float finish.
11. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

(Code of Iowa, Sec. 216C.9)

136.09 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

136.12 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight 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 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 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 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])

EDITOR'S NOTE			
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.			
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
34	1913		
59	1925		
65	1928		
78	1949		
79	1949		
82	1959		
87	1952		
88	1952		
89	1953		
90	1953		
94	1954		
96	1954		
103	1957		
111	1958		
114	1959		
115	1959		
147	1963		
149	1963		
153	1963		
154	1963		
155	1963		
167	1966		
174	1968		
199	1973		
204	1974		
213	1975		
2	May 8, 1980		
27	March 4, 1985		
35	June 6, 1986		
37	May 28, 1987		
48	October 5, 1989		
194	August 9, 2012		

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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 Lamoni, 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 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer
145.02 General Definition of Unsafe
145.03 Unsafe Building
145.04 Notice to Owner

145.05 Conduct of Hearing
145.06 Posting of Signs
145.07 Right to Demolish; Municipal Infraction
145.08 Costs

145.01 ENFORCEMENT OFFICER. The City Administrator is responsible for the enforcement of this chapter.

145.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. 657A.1 & 364.12[3a])

145.03 UNSAFE BUILDING. “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of: (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 likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

145.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement

officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the *Code of Iowa*, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.
2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

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

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.[†]

145.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF LAMONI, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

145.07 RIGHT TO DEMOLISH; MUNICIPAL INFRACTION. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost

[†] **EDITOR'S NOTE:** Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX to this Code of Ordinances. Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

of such work shall be transmitted to the Council. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

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

145.08 COSTS. Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes. In addition, the City may take any other action deemed appropriate to recover costs incurred.

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

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CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions	146.15 Outlet on Lot
146.02 Conversion to Real Property	146.16 Water Supply
146.03 Foundation Requirements	146.17 Condition of Service Buildings
146.04 Mobile Home Park Permit Required	146.18 Waste System
146.05 Permit Application	146.19 Connection with City Required
146.06 Inspection of Plans	146.20 Waste Water Disposal
146.07 Location Within City Restricted	146.21 Garbage Receptacles
146.08 Water and Sewer Connection	146.22 Fire Protection
146.09 Location in Regard to Setback and Other Buildings	146.23 Playing Space
146.10 Conformance with Other Ordinances	146.24 Permit Not Transferable
146.11 Site Drainage and Grade	146.25 Additions to Mobile Homes
146.12 Entrance and Exit	146.26 Change of Plan
146.13 Lot Size	146.27 Enclosed or Buried Drain and Sewer Pipes
146.14 Roadways	146.28 Tying Down Mobile Homes Against Wind

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

(Code of Iowa, Sec. 435.1)

1. “Manufactured home” means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Manufactured home community” means any site, lot, field or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or federal seals.
4. “Mobile home park” means any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home which is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26 & Sec. 435.35)

1. Retailer's Stock. Mobile homes or manufactured homes on private property as part of a retailer's or a manufacturer's stock not used as a place for human habitation.
2. Existing Homes. A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the 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)

146.04 MOBILE HOME PARK PERMIT REQUIRED. It is unlawful for any person to construct within the limits of the City any mobile home park unless such person shall first obtain a permit therefor.

146.05 PERMIT APPLICATION. Any person desiring to construct a mobile home park shall first file with the Clerk written application in duplicate on a form furnished by the City for a mobile home park permit. Applications shall be accompanied by a plat and other documents showing the following information:

1. The name and address of the applicant.
2. A legal description of the mobile home park area, and extent of area to be used for mobile home park purposes.
3. The location and legal description of the mobile home park.
4. Location and site of mobile home lots.
5. Location, number and type of service buildings.
6. Plans and specifications of all other buildings and improvements constructed or to be constructed within the mobile home park.
7. Method and plan of sewage disposal.
8. Public water supply taps and facilities.
9. Method and plan of garbage disposal.
10. Plan of electric lighting including the location of exterior park lights and the electric facilities provided for mobile homes.
11. Incinerator and burning space.

12. Children's play area.
13. Drainage facilities. and
14. Fire protection facilities.

All accompanying plans and specifications, as set out in this section, shall also be filed in duplicate.

146.06 INSPECTION OF PLANS. The City Administrator, Planning and Zoning Commission, and Fire Chief shall inspect the proposed plans. If it is found that the proposed mobile home park will be in compliance with all provisions of this chapter and all other applicable ordinances or statutes, such report shall be made to the Council which shall approve the application and issue the permit.

146.07 LOCATION WITHIN CITY RESTRICTED. No mobile home park shall be located within the limits of the City except as designated by the City's Zoning Ordinance. (See Chapter 165)

146.08 WATER AND SEWER CONNECTION. No mobile home park shall be located in the City unless it is connected to the City's water system and unless it is connected with the City's sanitary sewer system, if available, or proper sanitary facilities if sewer connection is not so available.

146.09 LOCATION IN REGARD TO SETBACK AND OTHER BUILDINGS. No occupied mobile home or service building shall be located within the City limits within the recognized setback line for the zoning district in which such mobile home is located.

146.10 CONFORMANCE WITH OTHER ORDINANCES. Nothing in this chapter shall be deemed or construed to repeal, abrogate or modify the City's Zoning Ordinance.

146.11 SITE DRAINAGE AND GRADE. Each park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.

146.12 ENTRANCE AND EXIT. Each park shall have a surfaced entrance and exit, the entrance and exit, or either of them, being not less than 18 feet in width and plainly marked in the daytime and adequately lighted at night.

146.13 LOT SIZE. Each park shall be divided into lots for each mobile home, each lot having an area not less than 800 square feet with a minimum width of 20 feet and minimum depth of 35 feet.

146.14 ROADWAYS. All mobile home lots shall face or abut upon a roadway of not less than 20 feet in width which shall have unobstructed access to a public street, alley or highway. All interior roads shall be privately owned, installed and maintained by the mobile home park owner. The roads shall be all-weather surfaced by crushed rock or equivalent, well marked in the daytime and lighted at night, with street lights placed at all intersections and at other intermediate points as necessary, but in no case shall the street lights be more than 300 feet apart.

146.15 OUTLET ON LOT. Every mobile home lot shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse of not less than 30 amperes capacity and a heavy duty outlet receptacle.

146.16 WATER SUPPLY. The mobile home park and all the individual mobile homes located therein shall be connected to the City's water system.

146.17 CONDITION OF SERVICE BUILDINGS. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public, or constitute a nuisance.

146.18 WASTE SYSTEM. All waste from showers, toilets, laundries, faucets and lavatories shall be wasted into a sewer system extended from and connected with the City sewer system if available, otherwise an adequate sanitary disposal system. All mobile home lots in a mobile home park shall be equipped with a sanitary sewer drain for direct connection with a mobile home on such lot.

146.19 CONNECTION WITH CITY REQUIRED. All sanitary facilities in any mobile home which are not connected with the City sewer system by means of rigid connections shall be sealed and their use is declared unlawful.

146.20 WASTE WATER DISPOSAL. In no case shall any wastewater be thrown or discharged upon the surface of the ground or disposed of by any means other than provided in this chapter.

146.21 GARBAGE RECEPTACLES. Metal or plastic garbage receptacles shall be provided on the basis of one receptacle for every four mobile home lots, and shall be located not farther than 50 feet from any mobile home lot. The cans shall be tightly covered and shall be kept in sanitary condition. Garbage and rubbish shall be collected and disposed of by the City garbage collection service. Sufficient receptacles shall be provided to prevent littering the ground with rubbish and debris.

146.22 FIRE PROTECTION. Each mobile home shall be within three hundred (300) feet of a fire hydrant.

146.23 PLAYING SPACE. Adequate playing space shall be provided for the children.

146.24 PERMIT NOT TRANSFERABLE. The permit shall not be transferable from one location to another.

146.25 ADDITIONS TO MOBILE HOME. No additions shall be built onto any mobile home which leave a clearance of less than eight clear feet between the addition and the next mobile home. No fences or enclosures shall be constructed without application made to the City Administrator and a permit issued for such construction. The necessary permit shall be secured before building such structure, which must comply with statutes of the State and ordinances of the City pertaining to housing.

146.26 CHANGE OF PLAN. Any change to be made in a mobile home park plan after a permit to construct a mobile home park has been obtained shall be filed with the Clerk and the approval thereof secured from the Council.

146.27 ENCLOSED OR BURIED DRAIN AND SEWER PIPES. The connections consisting of all pipes, fittings and appurtenances from the drain outlets of the mobile home to the inlet of the corresponding sewer riser pipe of the sewage system serving the mobile home

park shall be completely enclosed underneath the mobile home, or if located outside the mobile home, the pipes, fittings and appurtenances shall be buried beneath the ground.

146.28 TYING DOWN MOBILE HOMES AGAINST WIND. All mobile homes shall be affixed to the ground by tie-downs in accordance with and conforming to the rules and regulations of the Defense Civil Preparedness Agency Department of Defense, Pamphlet TR75, with respect to protecting mobile homes from high winds. All mobile homes must be tied down within 60 days after being moved into the mobile home park.

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CHAPTER 147

FIRE ZONE

147.01 Fire Zone Established
147.02 Plans Submitted
147.03 Buildings Prohibited
147.04 Construction Standards

147.05 Reconstruction Prohibited
147.06 Special Permit
147.07 Removal of Buildings
147.08 Storage of Materials Restricted

147.01 FIRE ZONE ESTABLISHED. A Fire Zone is established to include all of the following territory:

Beginning at the intersection of Eighth Street and Maple Street; thence west two blocks along Eighth Street to the intersection of Eighth Street and Chestnut Street; thence south two blocks along Chestnut Street to the intersection of Chestnut Street and Fourth Street; thence east two blocks along Fourth Street to the intersection of Fourth Street and Maple Street; thence north two blocks to the point of beginning; thus including Blocks 8, 9, 12 and 13 according to the Original Town of 1898.

147.02 PLANS SUBMITTED. It is unlawful to build, enlarge or alter any structure, building or part thereof, within the Fire Zone until a plan of the proposed work, together with a statement of materials to be used has been submitted to the Council, who shall, if in accordance with the provisions of this chapter, issue a permit for the proposed work.

147.03 BUILDINGS PROHIBITED. The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial rebuilding, are prohibited in the Fire Zone, unless constructed in strict compliance with the provisions of this chapter.

147.04 CONSTRUCTION STANDARDS. The construction standards for all buildings, structures, or parts thereof within the Fire Zone shall be of Type I, Type II, or, at a minimum, Type III fire resistant construction, as specified in the *International Building Code*.

147.05 RECONSTRUCTION PROHIBITED. Any building within the Fire Zone not constructed in accordance with the provisions of this chapter, which may hereafter be damaged by fire, decay, or otherwise, shall not be rebuilt, altered, or reconstructed except in accordance with the provisions of this chapter.

147.06 SPECIAL PERMIT. The Council may, by four-fifths vote, issue a special permit to improve any property within the Fire Zone contrary to the provisions of this chapter, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard potential of the area, or to allow any person to erect or move in any building or structure for temporary purposes for a period of time not exceeding six months from the date of such permission.

147.07 REMOVAL OF BUILDINGS. Any person who erects any building in the Fire Zone, contrary to the provisions of this chapter, shall be given written notice by the Mayor to remove or tear down the same, and if such removal or taking down is not completed within 30 days from the time of the service of such notice, the Mayor shall cause the same to be removed

or taken down. The Mayor shall report an itemized bill of the expense to the Clerk, and the same shall be charged to the person owning such building. The Clerk shall present the bill to the owner of the property and if the bill is not paid within 10 days from the date it is presented, the amount of the bill shall be certified, by the Clerk, to the County Treasurer, as a lien against the property and collected the same as other taxes.

147.08 STORAGE OF MATERIALS RESTRICTED. No person shall have or deposit any grain stack, pile of rubbish, explosives, hazardous chemicals or other flammable substance within the Fire Zone, nor shall any person have or deposit any cord wood or fire wood, within the Fire Zone without written permission from the Mayor, specifying the maximum amount of such cord wood or fire wood, that may be kept, stored, or deposited on any lot or part of a lot within the Fire Zone, unless the same be within one of the buildings allowed by this chapter. No person shall build or allow any fires, whether trash fires or otherwise, within the Fire Zone as described in this chapter.

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CHAPTER 148

UTILITY DISCONNECTION REQUIREMENTS

148.01 Purpose

148.02 Procedural Order

148.03 Scope and Effect

148.04 Designation of Ownership and Responsibility

148.05 Razing Derelict-Hazardous Structures

148.06 Structural Collapse

148.01 PURPOSE. The City Council of the City of Lamoni, Iowa deem that basic standards should be established when buildings are removed or demolished. The following requirements are hereby established as a minimum standard in the disconnection of utility services in the removal or demolition of existing structures within the City of Lamoni.

148.02 PROCEDURAL ORDER. Before any standing structure will be demolished or removed, that structure which has been or is connected to utilities, the owner and/or their contractor or subcontractor must first properly disconnect each utility service line prior to starting the demolition or removal.

148.03 SCOPE AND EFFECT. It is the responsibility of the property owner or prospective authority to remove service lines so that removal or demolition per se does not damage water mains or cause water loss, damage gas mains or cause gas leaks, damage the electrical distribution system or cause electrical loss or harm or injury to any citizen of this City. Sewer lines shall be located and capped so that the sewer mains are undamaged and hazardous infiltration to the sewer system is prevented.

148.04 DESIGNATION OF OWNERSHIP AND RESPONSIBILITY.

1. Natural Gas Service Lines. It is the property owners' responsibility to expose the natural service line to the main under the supervision of Lamoni Municipal Utility personnel. Lamoni Municipal Utilities will cap the gas main at no charge to the property owner if the property owner exposes (removes ground covering) the gas line to the point of disconnection.

The following utilities are included in these standards:

2. Electric Service Lines.

A. Overhead Service. Lamoni Municipal Utilities will disconnect overhead secondary power lines without cost given sufficient notice.

B. Underground Secondary Electric Lines. Lamoni Municipal Utilities will disconnect underground secondary service wiring below the meter/breaker without cost. Service wires which are buried shall be located and exposed by the owner or the owners' contractor, and shall be sealed prior to leaving the owners' property line. Capping of underground secondary power cables is the responsibility of the property owner or prospective authority public or private causing the demolition or removal.

3. Water Service Lines.

A. Galvanized and Lead Lines. The property owner shall be responsible for removing galvanized and lead service lines, and shall disconnect them from the incorporation valve at the water main.

- B. Copper and plastic service lines will be disconnected proximate to the curb stop valve at a minimum.
 - C. If no curb stop valve is present, the water service must be disconnected at the incorporation valve at the main. The location of the point of disconnection shall be accurately measured, protected from freezing, and sufficiently capped to prevent leakage.
 - D. Capping water service lines is the responsibility of the property owner, or prospective authority public or private causing the demolition or removal.
4. Sewer Lines.
- A. Sewer lines must be plugged to prevent infiltration of water or soil into the sewer collection system.
 - B. The point of disconnection should be proximate to the customer's property line at a minimum.
 - C. Abandonment of an owner's line shall be accomplished at the expense of the owner and shall be capped off or plugged to the main after being measured at the point of disconnection.
 - D. Plugging or capping sewer service lines is the responsibility of the property owner, or prospective authority public or private causing the demolition or removal.

148.05 RAZING DERELICT-HAZARDOUS STRUCTURES.

1. Structures which are unsafe because of hazardous or falling parts, hazardous materials, bio-hazardous breathing environments, asbestos abatement areas, burned, or any unsafe working environments require approved hazardous removal contractors to raze the derelict structure and safely dispose of the materials.
2. Capping water service lines and sewer lines in hazardous areas shall be accomplished by owner employing of a hazardous removal contractor or by sub-contractor which is approved for hazardous work.
3. It is the responsibility of the property owner or prospective property agent to plug sewer lines and water service lines safely. In matters of condemnation, eminent domain, and seizure of property where the former owner of record fails in their responsibility, the owner or public agency ordering the demolition or removal is deemed to be is responsible for capping the water and sewer service lines safely.

148.06 STRUCTURAL COLLAPSE. In the event of a catastrophic building collapse, the building, when removed, must have its utilities disconnected as described in this section in a timely manner.

(Ch. 148 – Ord. 246 – Dec. 20 Supp.)

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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 four 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 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 Definition

151.02 Planting Restrictions

151.03 Duty to Trim Trees

151.04 Trimming Trees to be Supervised

151.05 Disease Control

151.06 Inspection and Removal

151.01 DEFINITION. For use in this chapter, “parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

151.02 PLANTING RESTRICTIONS. No tree shall be planted in any parking or street except in accordance with the following:

1. Alignment. All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line 10 feet from the property line.
2. Spacing. Trees shall not be planted on any parking which is less than nine feet in width, or contains less than 81 square feet of exposed soil surface per tree. Trees shall not be planted closer than 20 feet from street intersections (property lines extended) and 10 feet from driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.
3. Prohibited Trees. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow or black walnut.
4. Iowa One-Call System. No tree shall be planted in any street or parking without first notifying the Lamoni Municipal Utilities and the Iowa One-Call System as related to underground utility services.

151.03 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least 15 feet above the surface of the street and eight feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2c, d & e])

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.05 DISEASE CONTROL. Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.

2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within 14 days of said notification. If such owner, occupant or person in charge of said property fails to comply within 14 days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

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CHAPTER 155

BUILDING PERMITS

155.01 Definitions	155.12 Content of Notice of Revocation
155.02 Authority and Purpose	155.13 Amending Application for Permit
155.03 Administration and Enforcement	155.14 Use Permit; General Restrictions
155.04 Building Permits - General Restrictions	155.15 Use Permit; Exception
155.05 Application for Building Permit	155.16 Use Permit; Application
155.06 Fee for Building Permit	155.17 Form of Application for Use Permit
155.07 Investigation by Zoning Officer	155.18 Display of Permits
155.08 Inspection and Final Certification	155.19 Report to Council
155.09 Time Limitation	155.20 Action to Correct Violation
155.10 Revocation of Building Permit	155.21 Violation
155.11 Notice of Revocation	155.22 Right of Appeal

155.01 DEFINITIONS. Terms defined in Chapter 165 of this Code of Ordinances are applicable for use in this chapter.

155.02 AUTHORITY AND PURPOSE. This chapter is enacted pursuant to authority granted by Chapter 414 of the *Code of Iowa* and in accordance with a comprehensive plan adopted by the City and for the purpose of implementing the zoning regulations provided in Chapter 165 of this Code of Ordinances and all other ordinances that may be hereafter adopted. This chapter does not apply to an agricultural purpose, farmstead occupation, or land, farm houses, farm barns, farm outbuildings, or other buildings or structures that are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used, which are located outside the limits of the City.

155.03 ADMINISTRATION AND ENFORCEMENT. This chapter shall be administered and enforced by the Zoning Officer of the City.

155.04 BUILDING PERMITS - GENERAL RESTRICTIONS. Notwithstanding any other ordinance appearing to the contrary, no building or other structure shall be erected, constructed, reconstructed, altered, converted, moved, or maintained in any district in the City, or any district extending to the unincorporated area two miles beyond the limits of the City, without a proper building permit having first been issued by the Zoning Officer or without a special building permit having first been issued by the Board of Adjustment in accordance with the provisions of this chapter, excepting where such building permit is specifically exempted by other applicable ordinances or by State law. Excepting in the case of a special building permit issued by the Board of Adjustment, no building permit shall be issued unless the application therefor shows on its face full compliance with the regulations imposed by Chapter 165 (the Zoning Ordinance) and in full compliance with any building code or other applicable regulations imposed by the Lamoni Municipal Utilities having to do with utility and sewage services. In addition, no building permit shall be issued by the Zoning Officer or by the Board of Adjustment unless the applicant for such building permit has first been issued a use permit where this chapter or other ordinance requires the issuance of a use permit as a condition precedent to the issuance of a building permit.

155.05 APPLICATION FOR BUILDING PERMIT. Applications for building permits shall be on forms furnished by the City and which state or show the following:

1. Name of applicant.

2. Name of title holder to property.
3. Exact legal description of the property.
4. District.
5. Use permit number and date of issuance.
6. Expected starting date and completion date.
7. Scale plat (8½ x 11-inch) showing:
 - A. Lot dimensions, adjacent streets and all other improvements on lot.
 - B. Exact location of intended structure with respect to front, side and rear lot lines and front yard with respect to the nearest buildings.
 - C. Complete description of the construction, reconstruction, alteration, conversion or moved structure.
 - D. Lot area in square feet.
 - E. Percentage of open space.
 - F. Provisions for off-street parking.
8. Written endorsement by the Director of Municipal Utilities approving the proposed plans as to the following:
 - A. Electrical wiring.
 - B. Heating facilities.
 - C. Sewage services and a statement as to whether sewage service is connected to a City line or is an approved private system.
 - D. Water services.
9. Whether or not in Fire Zone (Chapter 147) and, if so, the outside walls and roof construction materials;
10. Whether or not the plans conform to the district regulations and such other relevant information as may be uniformly required by the Zoning Officer.

155.06 FEE FOR BUILDING PERMIT. Each application for a building permit, shall be accompanied with the proper fee according to the following schedule:

Commercial Properties: 10 cents per square foot. (A commercial property is determined to be such by the use of the property.)

Residential Properties:

NEW - \$100 for dwellings and attached garages

Additions/attached garage - \$65.00

Detached garage - \$35.00

In no event shall any of the paragraphs set out in Paragraph 2 be interpreted to include the square footage of the floors of buildings, above the first floor constructed above ground level.

Drainage must be addressed at the permit holder's expense – must be built to specifications of the Public Works Director in Lamoni, Iowa. Property owner is responsible for driveway tube(s) if needed. City will provide labor and install said tubes.

(Sec 155.06 – Ord. 231 – Oct. 18 Supp.)

155.07 INVESTIGATION BY ZONING OFFICER. The Zoning Officer, upon receipt of an application for a building permit, shall make a complete and on-the-spot investigation to verify all of the statements and declarations in the application and if the erection, construction, reconstruction, alteration, conversion or moving meet all of the requirements of the Zoning Ordinance and the requirements of all other applicable ordinances, the Zoning Officer shall forthwith issue a building permit under the Zoning Officer's signature and shall deny any application that does not meet such requirements.

155.08 INSPECTION AND FINAL CERTIFICATION. After the issuance of any building permit, the Zoning Officer shall make periodic inspections of the construction under such permit and shall enforce the correction of any violation of any applicable ordinance or enforce any protective restrictions imposed by the Board of Adjustment. After completion of such construction, the Zoning Officer shall make a final inspection and shall either certify completion on the original application or enforce compliance with the declarations and specifications contained in the application or compliance with such protective restrictions imposed by the Board of Adjustment.

155.09 TIME LIMITATION. Every building permit issued by the Zoning Officer and every special building permit issued by the Board of Adjustment shall be invalid for all purposes in the event construction authorized thereby is not commenced within 90 days after the issuance of such permit; and the issuance of such permits shall be conditioned upon the agreement of the applicant that in the event construction is commenced thereunder, said construction will be completed within a reasonable time, considering the type of construction and the weather conditions; and it is unlawful to abandon and leave standing any uncompleted construction.

155.10 REVOCATION OF BUILDING PERMIT. A building permit issued by the City, either by the Zoning Officer or the Board of Adjustment, shall be considered a license. It shall also be a contract between the holder thereof and the City, said permit being issued on condition that the permit holder conform with all regulations within the district, conform with all other applicable ordinances and with the regulations of the Lamoni Municipal Utilities and with the plans and specifications shown on the application therefor. Said permit is issued on condition that the holder of a special building permit shall comply with all protective restrictions imposed by the Board of Adjustment and every building permit shall be revoked by the Zoning Officer under any of the following circumstances:

1. The permit holder fails and refuses to conform with the district regulations as contained in Chapter 165.
2. The permit holder fails and refuses to conform to the material declarations and plans shown on the application.
3. The permit holder fails and refuses to commence construction within the time limit provided for in Section 155.09 hereof.
4. The permit holder fails and refuses to conform to the protective restrictions imposed by the Board of Adjustment.
5. The permit holder fails and refuses to conform to any applicable ordinance then in force.

155.11 NOTICE OF REVOCATION. Where the Zoning Officer determines there has been a violation of Section 155.10 hereof, the Zoning Officer shall forthwith revoke the building permit by endorsing such revocation on the original application therefor and by serving written notice on the permit holder by certified mail with return receipt. A copy of such notice shall then be attached to the original application and, in lieu of mailing such notice, the Zoning Officer may cause notice of revocation to be served on the permit holder in any of the manners provided by State law for the service of original notices, including publication in appropriate cases.

155.12 CONTENT OF NOTICE OF REVOCATION. A notice of revocation must be in writing and signed by the Zoning Officer in the name of the City. Said notice shall clearly state: (i) that the building permit shall stand revoked as of a date certain; (ii) the cause of the revocation; (iii) that the permit holder may appeal the revocation; (iv) that the permit holder may appeal the revocation to the Board of Adjustment under the provisions of Chapter 28 of this Code of Ordinances; and (v) the exact time limitation in which appeal may be taken.

155.13 AMENDING APPLICATION FOR PERMIT. After a building permit has been issued by the Zoning Officer, or a variance granted by the Board of Adjustment, the permit holder, upon complying with all regulations for the district and other applicable ordinances, may apply to the Zoning Officer for authority to amend the application therefor to conform with the intended material alterations and material deviations from the plans as shown by the declarations in the application; and if such amendments conform to all applicable ordinances and regulations, the Zoning Officer shall approve such amendments and endorse such approval on the amended application. Any amended application must be filed within 365 days of the original approval of the building permit by the Zoning Officer, or within 365 days of the granting of a variance by the Board of Adjustment. No permit holder shall, without first amending the original application and obtaining the approval thereof, make any material alternations or material deviations from the plans and specifications as declared in the original application.

155.14 USE PERMIT; GENERAL RESTRICTIONS. No change in the use of land, or change in the use of improvements on land, and no building or other structure shall be erected, constructed, reconstructed, altered, converted, moved or maintained in any district of the City, nor shall any building permit be issued therefor, unless a use permit is first issued by the Zoning Officer of the City or a special use permit first is issued by the Board of Adjustment, except where such use permit is specifically exempt as described in this chapter or where such use permit is specifically exempt under any other applicable ordinance.

155.15 USE PERMIT; EXCEPTION. No use permit shall be required for the mere change of occupancy of land or improvements thereon where the former use is to be continued by the new occupant.

155.16 USE PERMIT; APPLICATION. Every use permit shall be issued in the name of the occupant and shall state that the use and the occupancy thereof comply with the district regulations and all other applicable ordinances, or shall state that the use and the occupancy thereof constitute a permissive nonconforming use. No use permit shall be issued unless the occupant submits an application therefor to the Zoning Officer on forms provided by the City together with the sum of \$5.00 for the cost of issuing such permit. If the application shows, and on investigation the facts declared in the application are verified, the applicant shall be entitled to a use permit under the provisions of all applicable ordinances and the Zoning Officer shall forthwith issue such use permit. If the facts declared in the application, or on investigation show that the applicant is not entitled to such use permit, the application shall be denied and the reason therefor endorsed on the application by the Zoning Officer.

155.17 FORM OF APPLICATION FOR USE PERMIT. Application for use permits shall be on forms furnished by the City and shall state or show the following:

1. Name of applicant.
2. Name of title holder to property.
3. Exact legal description of the real estate.
4. District location.
5. Prior use of property.
6. Use for which permit is sought.
7. Whether application is made as a condition to the issuance of a building permit, or a change of use of land or the improvements.
8. Whether the use conforms to the district regulations and other applicable ordinances.
9. Date submitted and signature of applicant.
10. Endorsement of approval or rejection by the Zoning Officer.

155.18 DISPLAY OF PERMITS. Every building permit and every use permit issued in connection with a building permit must be displayed in a conspicuous place at the location of the structure being erected, constructed, reconstructed, altered, converted or moved in any district of the City.

155.19 REPORT TO COUNCIL. On the first day of each month the Zoning Officer shall file a report with the Council showing:

1. Name of each person issued a building permit during the preceding month, permit number, date of issuance and type of structure for which the permit was issued.
2. Name of each person issued a use permit during the preceding month, permit number, date of issuance and the use for which the permit was issued.
3. Name of each person issued a special building permit by the Board of Adjustment during the preceding month, permit number, date of issuance and the structure for which the permit was issued.
4. Name of each person issued a special use permit by the Board of Adjustment during the preceding month, permit number, date of issuance and use for which the permit was issued.

155.20 ACTION TO CORRECT VIOLATION. Not by way of any limitation, but in addition to any remedy provided for by any other applicable ordinance, the Zoning Officer shall have the authority to institute any form of legal action to correct any violation of this chapter and to enforce compliance herewith.

155.21 VIOLATION. The violation of this chapter is a misdemeanor and punishable as such. Conviction shall not constitute an election of remedies, and in addition to the penalties that may be imposed hereunder, the Zoning Officer may institute any other applicable legal action to enforce the compliance with this chapter.

155.22 RIGHT OF APPEAL. Any person aggrieved and any officer, department, board or bureau of the City affected by the enforcement of this chapter or aggrieved or affected by any decision of the Zoning Officer under this chapter may appeal to the Board of Adjustment.

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CHAPTER 160

FLOOD PLAIN REGULATIONS

160.01 Statutory Authority, Findings of Fact and Purpose	160.13 Application for Permit
160.02 Definitions	160.14 Action on Application
160.03 Lands to Which Chapter Applies	160.15 Construction and Use to Be as Provided in Application and Plans
160.04 Rules for Interpretation of Flood Hazard Boundaries	160.16 Variances
160.05 Compliance	160.17 Factors Upon Which the Decision to Grant Variances Shall Be Based
160.06 Abrogation and Greater Restrictions	160.18 Conditions Attached to Variances
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160.10 Flood Plain Management Standards	
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160.12 Flood Plain Development Permit Required	

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 that said cities deem 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. 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 with provisions designed to:

A. Restrict or prohibit uses that 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 that serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

C. Protect individuals from buying lands that 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 to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. “Appurtenant Structure” means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

2. “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. (See “100-year flood.”)

3. “Base Flood Elevation” means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. “Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. (Also see “lowest floor.”)
5. “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. Development does not include minor projects or routine maintenance of existing buildings and facilities, as those terms are defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading. “Development” does not include “minor projects or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not included gardening, plowing, and similar practices that do not involve filling, grading.
6. “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.”
7. “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) was completed before the effective date of the first flood plain management regulations adopted by the community.
8. “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).
9. “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 includes recreational vehicles that are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
10. “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.
11. “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.
12. “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 floodwaters related to the occurrence of the 100-year flood.
13. “Flood Insurance Rate Map” (FIRM) means the official map prepared as part of (but published separately from) the Flood Insurance Study and which delineates both the flood hazard areas and the risk premium zones applicable to the community.
14. “Flood Insurance Study” means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

15. “Flood plain” means any land area susceptible to being inundated by water as a result of a flood.
16. “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.
17. “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.
18. “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.
19. “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.
20. “Highest Adjacent Grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
21. “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 in 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.
22. “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 160.10(4)(A); 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.

- 23. “Minor projects” means small development activities (except for filling, grading and excavating) valued at less than \$500.00.
- 24. “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.
- 25. “New factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first flood plain management regulations adopted by the community.
- 26. “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.
- 27. “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.
- 28. “Routine maintenance of existing buildings and facilities” means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
 - A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
 - B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
 - C. Basement sealing;
 - D. Repairing or replacing damaged or broken window panes;
 - E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

29. “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 Flood Insurance Rate Map.
30. “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.
31. “Structure” means anything constructed or erected on the ground or attached to the ground, including (but not limited to) buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.
32. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
33. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:
- A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 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 that 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 effective date of 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.
34. “Variance” means a grant of relief by a community from the terms of the flood plain management regulations.
35. “Violation” means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations.

160.03 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 for Decatur County and Incorporated Areas, City of Lamoni, dated February 16, 2018, Panels 19053C0289C, 0293C, 0294C, 0402C, 0406C, 0407C, as amended, which is hereby adopted and made a part of this chapter.

160.04 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 Administrator shall make the necessary interpretation. The Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Administrator in the enforcement or administration of this chapter.

160.05 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.

160.06 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.

160.07 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.

160.08 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 areas of significant flood hazard 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.

160.09 SEVERABILITY. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court or competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

160.10 FLOOD PLAIN MANAGEMENT STANDARDS. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where flood 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 areas of significant flood hazard 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 that 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 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 that 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 new and substantially improved 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 new and substantially improved 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 floodwaters into the system as well as the discharge of effluent into floodwaters. 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 Flammable Materials and Equipment. Storage of equipment and materials 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. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. Subdivision. 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 to Residential Uses. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

A. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 square feet in size. Those portions of the structure located less than one foot above the base flood elevation must be constructed of flood-resistant materials.

B. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

C. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement.

D. 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.

E. The structure's walls shall include openings that satisfy the provisions of subsection 5 of this section.

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.

160.11 ADMINISTRATION. The Mayor shall implement and administer the provisions of this chapter and will herein be referred to as the Administrator. Duties and responsibilities 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 all flood plain development permit 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 North American 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 North American Vertical Datum) to which all new or substantially improved structures have been flood proofed.
5. Notify adjacent communities and/or 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.

160.12 FLOOD PLAIN DEVELOPMENT 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.

160.13 APPLICATION FOR PERMIT. Application for a flood plain development permit shall be made on forms supplied by the Administrator and shall include the following information:

1. Work To Be Done. Description of the work to be covered by the permit for which application is to be made.
2. Location. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address, or similar description), which will readily identify and locate the work to be done.
3. Use or Occupancy. Indication of the use or occupancy for which the proposed work is intended.
4. Flood Elevation. Elevation of the 100-year flood.
5. Floor Elevation. 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.

6. Cost of Improvement. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
7. Other. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

160.14 ACTION ON 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 Council.

160.15 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION AND PLANS. Flood plain development permits, issued 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, 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.

160.16 VARIANCES. The City Council 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. Cause. 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. Prohibited. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
3. Required To Afford Relief. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Notice To Applicant. 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.
5. Approval. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

160.17 FACTORS UPON WHICH THE DECISION TO GRANT VARIANCES SHALL BE BASED. In passing upon applications for variances, the Council 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 floodwaters 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 relevant to the purpose of this chapter.

160.18 CONDITIONS ATTACHED TO VARIANCES. Upon consideration of the factors listed in Section 160.17, the Council 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 purposes of this chapter.
5. Flood proofing measures.

160.19 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 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.

160.20 PENALTIES FOR VIOLATIONS. 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 \$500.00 or imprisoned for not more than 30 days. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy violation.

160.21 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 from the Department of Natural Resources.

(Ch. 160 – Ord. 229 – Oct. 18 Supp.)

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CHAPTER 165

ZONING REGULATIONS

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165.01 AUTHORITY AND PURPOSE. This chapter is enacted pursuant to authority granted by Chapter 414, *Code of Iowa*, and in accordance with a comprehensive plan adopted by the Planning and Zoning Commission, approved by the Council, and for the purpose to lessen congestion in the streets, to secure safety from fire, flood, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements.

165.02 POWER TO REGULATE. For the purpose of promoting the health, safety, morals, and the general welfare of the community, the Council has the power to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces; the density of population and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. The Council has the authority to divide the City into districts of such number, shape, and area that may be deemed best suited to carry out the authority granted by said Chapter 414, and, within such districts, the Council may regulate and restrict the erection, construction, reconstruction, alteration, moving, and use of buildings, structures, and land. Such regulations and restrictions shall be uniform for each class or kind of building throughout each district; however, the regulations in one district may differ from those in other districts; and the Council has the authority to determine, establish, and enforce, and from time to time to amend, supplement, or change, such districts and regulations not inconsistent with the provisions of said Chapter 414 and according to the procedure set out in this chapter. By reference, and pursuant to said Chapter 414, as amended, the City adopts the powers granted in Section 414.23 (Extending Beyond City Limits) of the *Code of Iowa*; said powers may extend to the unincorporated area two miles beyond the limits of the City. Such powers shall

not apply to an agricultural purpose, farmstead occupation, or land, farm houses, farm barns, farm outbuildings, or other buildings or structures that are primarily adapted, by reason of nature and area for use for agricultural purposes, while so used, which are located outside the limits of the City.

165.03 DEFINITIONS. The following terms are defined for use in this chapter and other ordinances adopted pursuant to the authority granted by Chapter 414:

1. "Accessory use, building or structure" means a subordinate use or subordinate detached building or structure customarily incident to and located on the same lot occupied by the principal use or main building.
2. "Agricultural purpose" means the condition or activity that occurs in connection with the production of farm products, including (but not limited to) the production, harvesting, handling, treatment, processing, and storage of crops used for feed, food, seed, fiber or fuel; the care, feeding and housing of livestock and poultry; the marketing, slaughter, and processing of livestock and poultry grown on the premises or for personal consumption by the residents of the property; horticulture; floriculture; viticulture; forestry; the storage, handling, or application of chemicals and fertilizers including manure from livestock; storage, treatment, or disposal of livestock mortalities; dog kennels; and the implementation and management of land practices to improve productivity or resource conservation. Agricultural purpose includes the marketing of products at road side stands or farm markets. Agricultural purpose may result in the creation of noise, odor, dust, fumes, the operation of machinery and irrigation pumps and the employment and use of labor. Agricultural purpose may also include an accessory use secondary to these activities, provided that the use does not include the commercial feeding of garbage or offal to swine or any other animals.
3. "Apartment" means a room or a suite of rooms within a multiple dwelling, or where one or more living units are established within a nonresidential use, intended or designed for use as a residence by one or more individuals, or by a single-family unit, having sleeping, living and cooking facilities and where no maid service is rendered as a part of the usual rental services.
4. "Basement" means a story having part of its height below grade. A basement is counted as a story for height regulations if used for dwelling purposes.
5. "Block" means a parcel of land shown as a block on the official plat and usually entirely surrounded by public highways, streets, railroads or unplatted land.
6. "Block front" means all of the property on one side of a street between two intersecting streets, or all of the property on one side of a street within a block as officially platted.
7. "Boarding house" means a private dwelling in which rooms are offered for rent and table board is furnished only to roomers.
8. "Building" means any construction, permanent, movable, or temporary, at least a portion thereof having a roof, whether or not said roof is supported by side walls or otherwise, designed and intended for the support, enclosure, shelter, comfort, or protection of persons, animals or chattels; the word "building," when said building is permanent, includes the word "structure," but does not include mobile homes or mobile units as herein described.

9. “Building, height of” means the vertical distance from the grade (elevation of the curb, sidewalk or average of the ground around the structure) to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip or gambrel roofs.
10. “Clinic” means an establishment where patients who are not lodged overnight are admitted for examination and treatment and where two or more physicians practice medicine.
11. “Dwelling” means any permanent building, or portion thereof, designed for and used for residential purposes.
12. “Dwelling, single-family” means a permanent building designed for and used for residential purposes and occupied by one family.
13. “Dwelling, two-family” means a permanent building designed for and used for residential purposes and occupied by two families.
14. “Dwelling, multiple” means a permanent building designed for and used for residential purposes and occupied by more than two families; “multiple dwelling” also includes multiple housing and condominiums, as defined by Chapters 499A and 499B, *Code of Iowa*.
15. “Dwelling unit” means a room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping and cooking.
16. “Family” means one or more persons occupying a dwelling unit.
17. “Farmstead” means a parcel of land on which is located a farm house, and includes the land adjacent to the farm house including farm barns, farm outbuildings or other agricultural structures.
18. “Farmstead occupation” means an occupation engaged in on a farmstead that is owned by a member of the family residing in the farm house, is conducted within or adjacent to the farmstead dwelling or the customary farm outbuildings, and that does not employ more than 10 persons who are not related to each other. Examples of a farmstead occupation include (but are not limited to) a machinery repair shop, blacksmith, farrier services, buggy shops, sawmill, woodworking, welding services, furniture building, dry goods sales, making and selling home-made items, bakery, preparation and sale of farm products, tarp shops, home-based direct market sales, child care services, seed corn, pesticide and fertilizer sales, fabrication shops, construction businesses and agricultural consulting services.
19. “Garage, private” means a permanent accessory building or permanent portion of a main building used primarily for the storage of a motor vehicle.
20. “Garage, public” means a permanent building, or portion thereof, designed or used primarily for the storage, sale, hiring, care or repair of motor vehicles and trucks.
21. “Lot, building” means a parcel of land, platted or unplatted, or a subdivision of one or more platted lots, having its principal frontage upon a street, or being accessible to a street, and occupied or intended for occupancy by a use permitted by this chapter and meeting the requirements of this chapter so as to support one main building together with its accessory buildings, open spaces and parking spaces required hereunder, whether said land be improved or unimproved.
22. “Lot, non-building” means an unimproved parcel of land, platted or unplatted, or being a subdivision of one or more platted lots, not meeting the requirements of this

chapter for the support of one main building, together with its accessory buildings, open spaces and parking spaces required hereunder.

23. “Lot, improved” means a parcel of land, platted or unplatted, or a subdivision of one or more platted lots, having one main building thereon.

24. “Lot, unimproved” means a parcel of land being either a building lot or a non-building lot, as herein defined, but not having a main building thereon.

25. “Lot of record” means a parcel of land shown to be a lot by the official plat; it also includes a parcel of land that is a subdivision of one or more platted lots, or an unplatted parcel of land of one acre, or less, where there is a deed for such subdivided or unplatted parcel of land on record in the office of the Decatur County Recorder describing such land separately from other land.

26. “Livestock feed lot” means the confined feeding, breeding, raising or holding of livestock in enclosures specifically designed as confinement areas in which animal manure may accumulate but which does not include areas normally used for pasture or crops except where such pasture have a concentration of livestock or poultry to such an extent that vegetation cover is not maintained, excepting, however, where the lack of vegetation is only in the immediate vicinity of supplemental feeding and watering devices.

27. “Main building” means the structure on a lot supporting the principal use thereon; in all R-1 Districts it is presumed the structure supporting a permissible use is the main building; if said lot is supporting two different permissive uses, then the dwelling structure is the main building.

28. “Mobile home” means a unit intended to provide living quarters, constructed or manufactured in such a manner that said unit may be transported on attached or supporting wheels and which in its inception qualified for a Certificate of Title under the provisions of Chapter 321, *Code of Iowa*. (See also Chapter 146)

29. “Mobile home park” has the meaning defined by Chapter 435, *Code of Iowa*, and for the purpose of this chapter includes “mobile home court,” “trailer park” and “trailer court.” (See also Chapter 146)

30. “Mobile unit” means camper, travel trailer, travel bus or other similar unit made and constructed in such a manner to be towed behind a motor vehicle, or placed on and carried by a motor vehicle, or propelled by contained power, providing shelter and sleeping room therein, but not primarily intended as a permanent dwelling and which unit, or the motor vehicle said unit is mounted on, qualified for a Certificate of Title under Chapter 321, *Code of Iowa*.

31. “Nonconforming use” means any building, structure or land lawfully occupied by a use at the time of the passage of the Zoning Ordinance which does not conform with the use requirements of the district within which it is located, and not otherwise limited by this chapter.

32. “Nursing home” has the meaning defined by Chapter 135C of the *Code of Iowa* and, for the purpose of this chapter, includes “basic nursing home,” “intermediate nursing home,” “skilled nursing home,” “extended care facility,” “health care facility” and “custodial home.”

33. “Parking space” means a surfaced area of at least 180 square feet located on the same lot as the main building or use it is intended to serve and suitable for the parking of a motor vehicle.

34. "Permanent building" means construction with a roof over at least a portion thereof, in a manner and with materials which clearly indicate that such building will remain intact, immovable and utilized for the purposes originally intended for the useful life of said construction on the original location, but does not include mobile homes or mobile units as herein defined.
35. "Residential use" means permanent building or structure designed for and used for human non-transient dwelling.
36. "Resident business" means any substantial, other than occasional, activity or business carried on in any district not zoned B-1, M-1 or M-2, involving the sale, or exchange, of goods or services, whether such activity be a permissive or a non-permissive use under this chapter, and excepting normal personal business transactions.
37. "Story" means that portion of a building, other than a basement, 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.
38. "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 60% of the floor area is finished for use.
39. "Street" means a roadway dedicated for public use.
40. "Street, private" means a roadway used as an access road to private property, not dedicated as a public street and held for use of the owners whose property such roadway serves.
41. "Structure" means any construction which requires a permanent location.
42. "Structural alteration" means any change in the structural member of a building, or structure, such as walls, column, beams, roof or girders.
43. "Yard" means an unoccupied area on the same lot with a building or structure.
44. "Yard, front" means unoccupied area extending across the front side of a main building between the side lot lines and measured between the street line and the front side of the main building or any projection of steps, terraces, uncovered porches or entrances.
45. "Yard, rear" means unoccupied area extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, uncovered porches or entrance ways.
46. "Yard, side" means unoccupied area between the main building and the side lot lines and extending from front yard line to rear yard line.

165.04 GENERAL RESTRICTIONS. No building or other structure shall be erected, constructed, reconstructed, altered, converted, moved or maintained, nor shall any building, structure or premises be used for any purpose other than permitted in the district in which such building, structure or premises is located. No building or structure shall be erected, constructed, reconstructed, altered, converted, moved or maintained except in conformity with the height, yard, area per family, parking and other regulations prescribed herein for the district in which such premises are located; every part of the required yard shall be open to the sky and unobstructed, except as otherwise provided; and no yard area shall be reduced so as to be smaller than the applicable district requirements. Every building or structure hereafter

erected or structurally altered shall be located on a building lot as herein defined, and in no case shall more than one main building be located on one building lot in R-1 and R-2 Districts. No building or structure may be erected, constructed, reconstructed, altered, converted, moved or maintained in any district unless such building or structure, shall, by design, size and construction materials, substantially comply with and be comparable to the greater majority of conforming structures in the district and occupied by a like or similar use, it being the public policy of the City, for the purposes of health, welfare, safety and aesthetics, that no sub-standard, unsafe, unsightly, unhealthy, poorly and improperly constructed dwelling, or structures shall be allowed to be constructed, occupied or used in any district other than as a nonconforming use which existed prior to the adoption of the Zoning Ordinance codified in this chapter. Nothing in this section shall be construed as repealing Chapter 147 of this Code of Ordinances, having to do with construction within the fire limits of the City.

165.05 MOVED BUILDINGS AND STRUCTURES. Buildings and other structures moved, in whole or in parts, into a district shall meet all the requirements of this chapter as if same were originally constructed in such district.

165.06 SUBDIVISION OF LOT. Where any lot, as defined in Section 165.03 of this chapter, can be subdivided into two or more building lots without violating the requirements of this chapter in connection with any existing main building thereon, then, after such subdivision is made by deed on record with the County Recorder, such lot or lots created by subdivision shall be deemed to be a building lot within the meaning of this chapter.

165.07 BUILDING LOT BY TWO SUBDIVISIONS. A building lot may be created by the joining of two non-building lots, when such joining meets the requirements to support one main building hereunder; and when the alienation of such lot does not cause the lot from which said land is alienated to violate the provisions of this chapter as the same apply to the main building or structure remaining on the land, or lands.

165.08 ILLEGAL LOT - SUBDIVISION. It is illegal for any person owning an improved building lot, having a main building thereon, to subdivide such lot and to alienate any part thereof which would result in the area having the main building thereon not thereafter meeting the requirements of the district in which such lot is located; and it is illegal for any person owning an improved lot, having a main building thereon in existence at the time of the passage of the Zoning Ordinance and being a non-conforming use for reason that the said lot does not meet the area requirements of this chapter for the main building and use in said district, to alienate any part of said lot.

165.09 ILLEGAL LOT. Any area of land created by the alienation from other land in any illegal subdivision, as described in Section 165.08 hereof, may never thereafter have the status of a building lot even though said lot meets the area requirements hereunder; nor may such land be annexed to other land for the purpose of creating a building lot; however, said land can be rejoined to the land from which it was illegally alienated in the first instance for the purpose of creating a building lot hereunder.

165.10 DISTRICTS. The City is hereby zoned into the following districts:

- R-1 Residential District
- R-2 Residential District
- S-1 Suburban District
- B-1 Local Business District
- B-2 Business District

M-1 Local Industrial District
 M-2 Industrial District
 M-3 Special Industrial District
 M-4 Industrial Park District
 A-1 Airport District.
 E-1 Extraterritorial District

165.11 R-1 RESIDENTIAL DISTRICT. The following legally described property located within the City is hereby zoned R-1 Residential District:

Commencing at the center of the intersection of South State Street and South Street, City of Lamoni, Decatur County, Iowa, thence south to a point which is 863 feet south of the northwest corner of the Northwest Quarter of the Southwest Quarter (NW¹/₄ SW¹/₄) of Section Eleven (11), Township sixty-seven (67) North, Range twenty-seven (27) West of the 5th P.M., (also being 50 feet west of the southwest corner of Lot 19, Condit's Subdivision (Unofficial) of Plat No. 2, Lamoni, Iowa, thence in an easterly direction along the southerly right-of-way line of the said Condit's Subdivision No. 2 to the southeast corner of the said Condit's Subdivision No. 2, thence continuing due east to the westerly edge of property owned by Graceland College), thence north along the western edge of the property owned by Graceland College to a point on a line which is 670 feet south and 44 feet (±) west of the northwest corner of Block 4, Graceland Addition to Lamoni, Iowa (said line is described as extending from a point 401.67 feet south of the southwest corner of Lot 3, Block 4, Smith's Addition to Lamoni, Iowa, thence south 02°58'00" east for 289.8 feet) to a point, thence easterly to a point which is 670 feet south of the northwest corner of Block 4, Graceland Addition to Lamoni, Iowa), thence east 44 feet (±), thence north to the centerline of South St., thence west along the centerline of South Street to the point of beginning.

AND

Commencing at a point where the East-West Half Section Line of Section 11, intersects with South State St., thence East along the Half Section line of Section 11 to a point on the centerline of Bobbitt Drive extended Northerly, thence South along the Subdivision No. 2 extended Easterly, thence West along the South line of Condit Subdivision No. 2 to South State St., thence North along South State St. to the point of beginning.

(Ord. 237 – Dec. 20 Supp.)

All other area within the corporate limits of the City, not hereinafter otherwise zoned, is hereby zoned R-1 Residential District.

165.12 R-2 RESIDENTIAL DISTRICT. The following areas within the corporate limits of the City are hereby zoned R-2 Residential Districts:

Lots 5, 6 and that part of Lot 3 lying directly east of said Lot 6, all in Block 1, West Lamoni Addition to the City of Lamoni.

Lots 3, 9, 10 and the north 9 feet of the south 28½ feet of Lot 4, all in Block 2, Ferguson's First Addition to Lamoni.

165.13 S-1 SUBURBAN DISTRICT. The following areas within the corporate limits of the City are hereby zoned S-1 Suburban District:

Commencing at the intersection of centerline of County roadway and South Missouri Street at the southwest corner of the City limit, thence north along the centerline of South Missouri Street to the intersection of the centerline of South Missouri Street and Second Street, thence east along the centerline of Second Street to a point due north of the west line of Lot 3, Block 6, Park Addition to Lamoni, thence due south to the centerline of Forrest Street, thence east along the centerline of Forrest Street to the east line of Mason Street, thence due north to the centerline of Second Street, thence east along the centerline of Second Street for 181.8 feet, thence north 560.2 feet, thence due west to the east line of Fayette Street, thence due north to the centerline of West Main Street, thence due north for 1,324 feet to the northeast corner of Lot 1, Block 5, College Park Addition to Lamoni, thence due west to the centerline of North Missouri Street, thence north along the centerline of North Missouri Street to the City limit, thence east along the north line of the City limit to the northwest corner of Foreman Park, thence south along the west line of Foreman Park to a point due east of the northeast corner of said Lot 1, Block 5, College Park Addition to Lamoni, thence west to a point due north of the centerline of Mulberry Street, thence due south and along the centerline of Mulberry Street to the centerline of Orchard Street, thence due east along the centerline of Orchard Street to a point due south of the east edge of Cherry Street, thence due south to a point due east of the centerline of Lincoln Street, thence due east to the City limit, thence south along the centerline of County roadway to the southeast corner of the City limit, thence due west along the centerline of County roadway to the place of beginning; and commencing at a point on the east line of Foreman Park due east to the northeast corner of said Lot 1, Block 5, College Park Addition to Lamoni, thence north to the City limit, thence east along the north line of the City limit to a point due north of the centerline of Orange Street, thence due south to a point due east of the place of beginning, thence west to the place of beginning; and commencing at the intersection of the centerline of Fourth Street and County roadway at the east City limit, thence due south along the centerline of County roadway to the north line of College Street, thence west along the north line of College Street to Graceland Avenue, thence northwesterly along the north line of Graceland Avenue to a point due south of the centerline of Oak Street, thence due north to the intersection of the centerline of Oak Street and Fourth Street, thence east along the centerline of Fourth Street to the place of beginning;

Commencing at a point on the west line of the Southwest Quarter (SW¹/₄) of Section 12, Township 67 North, Range 27 West of the 5th P.M., Decatur County, Iowa, which point is 457.14 feet south of the west quarter corner (point of beginning), thence south along the west line of said Section 12 for 776 feet, thence due east for 569.96 feet, thence north 00°23'24" west for 776.01 feet, thence due west 564.65 feet to the point of beginning, subject to a 40 foot easement along the west side for road purposes; and all that portion of real property described in a Plat of Survey dated September 11, 2012, and filed for record in the Decatur County Recorder's Office on September 14, 2012, in Book 2012 at page 1262, and more particularly described as follows: Parcel F of Section 12, Township 67 North, Range 27 West, Decatur County, Iowa, said parcel being more particularly described as follows: Commencing at the southwest corner of Section 12, Township 67 North, Range 27 West, Decatur

County, Iowa; thence with the south line of the SW¹/₄ of said section, south 89°31'02" east 558.73 feet; thence departing said line, north 00°34'33" east 909.68 feet to the southeast corner of Golf Ridge Development as recorded in Book 2003, Page 311 in the Office of the Decatur County Recorder of Deeds; thence with the east line of said tract, north 00°21'40" east 186.15 feet the point of beginning; thence continuing with said line, north 00°27'16" east 320.18 feet to the northeast corner of said development; thence with the east line of Exception No. 2 as described in Deed Book 489, Page 563, north 00°21'02" west 776.17 feet; thence with the east line of Exception No. 1 as described in Deed Book 409, Page 563, north 00°33'08" east 540.25 feet to the centerline of the abandoned Burlington Northern Railroad Company St. Joseph, Missouri, to Humeston, Iowa, branch line; thence with said centerline the following courses and distances: south 62°07'39" east 226.15 feet thence 878.99 feet by arc distance along a curve to the left having a radius of 1,909.86 feet and a chord bearing south 75°18'44" east 871.25 feet; thence 560.00 feet by arc distance along a curve to the left having a radius of 3,819.72 feet and a chord bearing north 87°54'18" east 559.50 feet; thence north 83°06'21" east 1,371.25 feet; thence departing said centerline, south 00°02'06" west 1,615.83 feet; thence north 88°12'02" west 1,078.87 feet; thence north 78°38'43" west 33.03 feet; thence north 87°31'08" west 1,497.12 feet; thence north 87°29'55" west 359.06 feet to the point of beginning, containing 99.51 acres, more or less; and including Parcel H of Section 12, Township 67 North, Range 27 West, Decatur County, Iowa, said parcel being more particularly described as follows: Commencing at the northwest corner of Section 12, Township 67 North, Range 27 West, Decatur County, Iowa; thence with the west line of the NW¹/₄ of said section, south 00°03'22" west 100.00 feet to the south right-of-way line of U.S. Highway 69; thence with said right-of-way line the following courses and distances: south 89°36'38" east 34.27 feet to Station 304+06.2/100 feet right; thence north 70°51'03" east 151.27 feet to Station 305+50/50 feet right; thence south 89°27'23" east 200.36 feet to Station 307+50/50 feet right; thence south 79°44'23" east 354.89 feet to Station 311+00/110 feet right; thence south 89°31'35" east 1,300.17 feet to Station 324+00/110 feet right; thence south 88°34'17" east 600.08 feet to Station 330+00/120 feet right; thence south 86°08'40" east 501.02 feet to Station 335+00/150 feet right; thence north 80°38'32" east 38.65 feet to the northwest corner of a tract of land recorded in Survey Record Book B, Page 138 in the Office of the Decatur County Recorder of Deeds; thence with the westerly boundary of said parcel the following courses and distances: South 38°58'41" east 407.44 feet; thence south 09°36'55" east 240.55 feet; thence south 30°04'11" east 536.41 feet; thence south 35°35'04" east 389.68 feet; thence south 00°03'15" east 1,147.65 feet to the centerline of the abandoned Burlington Northern Railroad Company St. Joseph, Missouri, to Humeston, Iowa, branch line; thence with said centerline the following courses and distances: south 83°06'21" west 1,802.07 feet; thence 560.00 feet by arc distance along a curve to the right having a radius of 3,819.72 feet and a chord bearing south 87°54'18" west 559.50 feet; thence 878.99 feet by arc distance along a curve to the right having a radius of 1,909.86 feet and a chord bearing north 75°18'44" west 871.25 feet; thence north 62°07'39" west 869.96 feet to the west line of the NW¹/₄ of said Section 12; thence with said line, north 00°03'22" east 2,160.48 feet to the point of beginning, containing 224.14 acres, more or less, of which 1.71 acres fall within the right-of-way of South Smith Street; and including Parcel G of Section 12, Township 67 North, Range 27 West, Decatur

County, Iowa, said parcel being more particularly described as follows: Commencing at the southwest corner of Section 12, Township 67 North, Range 27 West, Decatur County, Iowa; thence with the south line of the SW $\frac{1}{4}$ of said section, south 89°31'02" east 558.73 feet to the point of beginning, said point being the southeast corner of Exception No. 3 as described in Deed Book 409, Page 563 in the Office of the Decatur County Recorder of Deeds; thence with the east line of said Exception, north 00°34'33" east 909.68 feet to the southeast corner of Golf Ridge Development and recorded in Book 2003, Page 311 in said Recorder's Office; thence with the east line of said development, north 00°21'40" east 186.15 feet; thence departing said line, south 87°29'55" east 359.06 feet; thence south 00°44'39" west 1,083.20 feet to the south line of the SW $\frac{1}{4}$ of said section; thence with said line, north 89°31'02" west 354.98 feet to the point of beginning, containing 8.92 acres, more or less, of which 0.32 acres falls within the right-of-way of 300th Street, however, EXCLUDED from this description is a portion of said parcel beginning 1.00 foot north of the point of beginning, thence east 354.98 feet, thence south 1.00 foot, thence west 354.98 feet, thence north 1.00 foot, such that the territory does not include a common boundary with a County secondary road; and EXCLUDING Parcel A and Parcel E of Plat of Survey dated September 11, 2012, and filed for record in the Decatur County Recorder's Office on September 14, 2012, in Book 2012 at page 1262.

165.14 B-1 LOCAL BUSINESS DISTRICT. The following areas within the corporate limits of the City are hereby zoned B-1 Local Business District:

Commencing at the intersection of the centerline of North Walnut Street and Eighth Street, thence east along the centerline of Eighth Street to the intersection of the centerline of Eighth Street and Chestnut Street, thence north along the centerline of Chestnut Street for 180 feet, thence due east to the centerline of North Cherry Street, thence south along the centerline of North Cherry Street for 360 feet, thence due east to the centerline of Orange Street, thence south along the centerline of Orange Street to the intersection of the centerline of Orange Street and East Main Street, thence east along the centerline of East Main Street to the centerline of Smith Street, thence south to the centerline of Fourth Street, thence due west to the centerline of Willow Street, thence north along the centerline of Willow Street to a point due east of the north line of Lot 2, Block 1, Ferguson's First Addition to Lamoni (being about 175 feet), thence due west to the centerline of South Cherry Street, thence due south along the centerline of South Cherry Street to the intersection of the centerline of South Cherry Street and Fourth Street, thence due west along the centerline of Fourth Street to the C. B. & Q. Railroad right-of-way, thence northwesterly along the north line of the C. B. & Q. Railroad right-of-way to a point due south of the centerline of North Walnut Street, thence due north and along the centerline of North Walnut Street to the place of beginning; and commencing at the intersection of the centerline of West Main Street and State Street, thence east along the centerline of West Main Street to a point due north of the west line of Central Park, thence due south along the west line of Central Park to the center of Fourth Street, thence west along the centerline of Fourth Street to the centerline of South State Street; thence north along the centerline of South State Street to the place of beginning; and commencing at a point on the centerline of West Main Street due north of the west line of State Street, thence north to the C. B. & Q. Railroad right-of-way, thence southeasterly along the south line of

the C. B. & Q. Railroad right-of-way to the centerline of West Main Street, thence west along the centerline of West Main Street to the place of beginning; and commencing at the centerline intersection of West Main Street and South State Street, thence west along centerline of West Main Street for 297 feet, thence due south to the centerline of West Fourth Street, thence east along the centerline of West Fourth Street to the intersection of the centerlines of West Fourth Street and South State Street, thence north along the centerline of South State Street to the place of beginning; and commencing at a point on the centerline of East Main Street 335 feet east of the intersection of the centerline of Pine Street and East Main Street (being due north of the west line of Lot 2, Block 1 Ferguson's Southeast Addition to Lamoni), thence east along the centerline of East Main Street to east City limit, thence south along centerline of County roadway to intersection of centerline of County roadway and Fourth Street, thence west along the centerline of Fourth Street for 175 feet (being due south of the southwest corner of Lot 11, Block 1, Ferguson's Southeast Addition to Lamoni), thence due north to the place of beginning; and commencing at the intersection of the centerline of South State Street and South Street, thence east along the centerline of South Street for 333 feet, thence due south for 315 feet, thence due west to the centerline of South State Street, thence north along the centerline of South State Street to the place of beginning; and the north 200 feet of the Northwest Quarter (NW¼) of Section twelve (12), Township sixty-seven (67) North, Range twenty-seven (27) west of the 5th P.M.

East 210 feet of the south 300 feet of the Southwest Quarter of the Southwest Quarter (SW¼ SW¼) of Section 6, Township 67 North, Range 26 West of the 5th P.M., Decatur County, Iowa.

165.15 B-2 BUSINESS DISTRICT. The following legally described property located within the City is hereby zoned B-2 Business District:

Commencing at the center of the intersection of North Chestnut Street and West Eighth Street (point of beginning), thence east along the centerline of West Eighth to the centerline of North Maple Street and East Eighth Street, thence south along the centerline of North Maple Street to the intersection of South Maple Street and East Fourth Street, thence west along the centerline of East Fourth Street to the centerline of South Chestnut Street and West Fourth Street, thence north along the centerline of Chestnut Street to the point of beginning.

165.16 M-1 LOCAL INDUSTRIAL DISTRICT. The following area within the corporate limits of the City is hereby zoned M-1 Local Industrial District:

All real estate belonging to the Farmers' Cooperative Grain and Seed Company, Inc. from the centerline of South Chestnut Street and running southeasterly to the centerline of South Maple Street, and all within the Original Town of Lamoni.

165.17 M-2 INDUSTRIAL DISTRICT. The following area within the corporate limits of the City is hereby zoned M-2 Industrial District:

Commencing at the intersection of the centerline of East Main Street and Orange Street, thence north to the City limit, thence east along the north City limit to the east City limit, thence south along the centerline of County roadway to the intersection of the centerline of County roadway and East Main Street, thence

west along the centerline of East Main Street to the place of beginning; and commencing at the intersection of the centerline of West Main Street and Missouri Street, thence north along the centerline of North Missouri Street for 1,324 feet, thence east along the north line of Block 5, College Park Addition to Lamoni for 1,319 feet (being the northeast corner of Lot 1, Block 5, College Park Addition), thence south and along the east edge of Fayette Street to the centerline of West Main Street, thence west along the centerline of West Main Street to the place of beginning.

All that portion of the West Half of the Northeast Quarter of the Northwest Quarter ($W\frac{1}{2}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$) lying west of the western right-of-way line of U.S. Interstate Highway No. 35 (EXCEPT the south 140 feet thereof) of Section 7, Township 67 North, Range 26 West of the 5th P.M., Decatur County, Iowa.

Commencing at a point 1,416.98 feet east of the northwest corner of the Northeast Quarter of Section 12, Township 67 North, Range 27 West of the 5th P.M., Decatur County, Iowa (point of beginning); thence east along north section line for 1,171.27 feet; thence $S 0^{\circ}00'00''$ for 357 feet; thence $S35^{\circ}45'14''$ for 446.22 feet; thence $W0^{\circ}00'05''S$ 903.12 feet; thence $N0^{\circ}35'27''W$ to the P.O.B. (containing 18.191 acres \pm , including 3.203 acres of road right-of-way.

Commencing at the West Quarter corner of Section Twelve, Township 67 North, Range 27 West of the 5th P.M., Decatur County, Iowa, thence $N0^{\circ}00'35''W$ 322.45 feet to the southerly right-of-way line of the abandoned C.B. & Q Railroad, thence $S 62^{\circ}10'25'' E$ 643.18 feet along the aforesaid railroad right-of-way, thence south $0^{\circ}29'20'' W$ for 479.38 feet, thence $90^{\circ}W$ for 564.65 feet to the west line of said Section 12, thence $N 00^{\circ}$ for 457.14 feet to the point of beginning (contains 8.196 acres, \pm , including .0707 acres of road right-of-way).

That part of the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}$ $SW\frac{1}{4}$) of Section 6, Township 67 North, Range 26 West of the 5th P.M, Decatur County, Iowa, described as follows:

Commencing at the southwest corner of said $SE\frac{1}{4}$ $SW\frac{1}{4}$; thence north $00^{\circ} 46'34''$ east, 150.02 feet along the west line of said $SE\frac{1}{4}$ $SW\frac{1}{4}$ to a point on the existing northerly right-of-way line of U.S. Highway 69; thence south $58^{\circ}48'34''$ east, 95.99 feet along said northerly right-of-way and to the point of beginning; thence north $89^{\circ}48'00''$ east along said northerly right-of-way, 600.00 feet to a point on said northerly right-of-way; thence north $47^{\circ}51'01''$ east, 173.05 feet to a point on the westerly right-of-way line of Interstate 35; thence south $39^{\circ}22'52''$ west, 201.99 feet; thence south $89^{\circ}40'00''$ west, 600.00 feet; thence north $00^{\circ}12'00''$ west, 40.00 feet to the point of beginning, having an area of 0.61 acres;

AND,

A parcel of ground containing five acres exclusive of highway and county road right-of-way located in the Southeast Quarter of the Southwest Quarter of Section 6, Township 67 North, Range 26 West of the 5th P.M, Decatur County, Iowa, more particularly described as follows:

Commencing at the southwest corner of the $SE\frac{1}{4}$ $SW\frac{1}{4}$ of Section 6, thence north 515 feet, thence east 475 feet, thence south 515 feet, thence west to the point of beginning, and the south 481 feet of the $SE\frac{1}{4}$ $SW\frac{1}{4}$, lying west of Interstate 35,

all in Section 6, Township 67 North, Range 26 West of the 5th P.M, Decatur County, Iowa.

A tract of land 300 feet by 150 feet in the SW¹/₄ SW¹/₄ of Section 6, Township 67 North, Range 26 West of the 5th P.M. beginning 1,070 feet west of the southeast corner of said tract, lying east of the Airport Access Road, AND

Parcel "F" in the SW¹/₄ SW¹/₄ of Section 6, Township 67 North, Range 26 West of the 5th P.M, Decatur County, Iowa, more particularly described as follows: Commencing at an "X" found cut in concrete for the southwest corner of said Section 6, thence north 90°00'00" east for 219.00 feet along the south line of said SW¹/₄ SW¹/₄ to the east line of the City of Lamoni Airport Access Road, thence north 00°00'58" west for 80.00 feet along said City of Lamoni Airport Access Road to the north line of Highway 69 right-of-way to a 1/2" rebar with cap set, then north 00°00'58" west for 276.50 feet along said Airport Road to a 5/8" rebar with cap found, thence north 90°00'00" east for 131.95 feet to a 1/2" rebar set, thence south 01°22'53" west for 276.58 feet to a 1/2" rebar with cap set on the North Highway right-of-way line, thence south 90°00'00" east for 125.27 feet along said north side of Highway right-of-way to the true point of beginning.

Commencing 920 feet west of the centerline of County Road and 356.5 feet north of the centerline of Highway 69 to point of beginning thence east 400 feet, north 150 feet, west 400 feet, south 150 feet to point of beginning, all in the SW¹/₄ SW¹/₄ of Section 6, Township 67 North, Range 26 West of the 5th P.M, lying north of public highway, AND

The north 56.5 feet of the south 356.5 feet of the west 360 feet of the east 920 feet of the SW¹/₄ SW¹/₄ of Section 6, Township 67 North, Range 26 West of the 5th P.M, subject to unrecorded utility easements, AND

The south 300 feet of the west 360 feet of the east 920 feet of the SW¹/₄ SW¹/₄ of Section 6, Township 67 North, Range 26 West of the 5th P.M.

The west 200 feet of the east 560 feet of the south 290 feet of the SW¹/₄ SW¹/₄ of Section 6, Township 67 North, Range 26 West of the 5th P.M, AND

1.88 acres located in the SW¹/₄ SW¹/₄ of Section 6, Township 67 North, Range 26 West of the 5th P.M, AND

Lot "A" (also referred to as Parcel "A") located in the SW¹/₄ SW¹/₄ of Section 6, Township 67 North, Range 26 West of the 5th P.M.

A tract of land 150 feet by 290 feet described as the west 150 feet of the east 360 feet of the south 290 feet of the SW¹/₄ SW¹/₄ of Section 6, Township 67 North, Range 26 West of the 5th P.M.

The Southwest Quarter of the Northwest Quarter (SW¹/₄ NW¹/₄), except the South One-half of the Railroad right of way, and except I-35, and except road.

(Section 165.17 – Ord. 257 – Jun. 22 Supp.)

165.18 M-3 SPECIAL INDUSTRIAL DISTRICT. The following area within the corporate limits of the City is hereby zoned M-3 Special Industrial District:

Commencing at the intersection of the centerline of South Missouri Street and Second Street, thence east along the centerline of Second Street to a point due north of the west line of Lot 3, Block 6, Park Addition to Lamoni, thence due

south to the centerline of Forest Street, thence east along the centerline of Forest Street to the east line of Mason Street, thence due north along the east line of Mason Street to the centerline of Second Street, thence east along the centerline of Second Street for 181.8 feet, thence north 560.2 feet, thence due west to the east line of Fayette Street, thence due north to the centerline of West Main Street, thence due west along the centerline of West Main Street to the intersection of the centerline of West Main Street and Missouri Street, thence south along the centerline of South Missouri Street to the place of beginning.

AND

Parcel A and the South 481 feet of the Southeast Quarter of the Southwest Quarter of Section 6, Township 67 North, Range 26 West of the 5th P.M., Decatur County, Iowa, lying West of Interstate 35, exclusive of Highway and County Road easements. (Parcel No. 14063000180)

(Section 165.18 – Ord. 251 – Dec. 20 Supp.)

165.19 M-4 INDUSTRIAL PARK DISTRICT. The following area within the corporate limits of the City is hereby zoned M-4 Industrial Park District:

An area within Section 12, Township 67 North, Range 27, and in Section 7, Township 67 North, Range 26, all west of the 5th P.M., Decatur County, Iowa, and bounded as follows: Commencing at the northwest corner of the Northeast Quarter of the Northeast Quarter (NE¹/₄ NE¹/₄) of Section 12 (point of beginning) thence east along the north line of said Section 12 to the northeast corner thereof; thence east along the north line of Section 7 to the northeast corner of the Northwest Quarter of the Northwest Quarter (NW¹/₄ NW¹/₄) thereof; thence south along the east line of the said NW¹/₄ NW¹/₄ to the southeast corner thereof; thence west along the south line of said NW¹/₄ NW¹/₄ to the southwest corner thereof (which is also a point on the line between Sections 12 and 7); thence south along the section line to the centerline of the abandoned Burlington Northern, Inc. Railroad right-of-way; thence southwesterly along the centerline of said right-of-way to the west line of the Southeast Quarter of the Northeast Quarter (SE¹/₄ NE¹/₄) of Section 12; thence north along the west line of said SE¹/₄ NE¹/₄ to a point which is 1,477.52 feet south of the north line of Section 12 (this point is also described as being 1,316.82 feet east and 1,477.43 feet south of the northwest corner of the Northeast Quarter (NE¹/₄) of Section 12); thence northwesterly along an irregular line described as: north (35°58'29") west for 395.23 feet; thence north (30°29'30") west for 536.48 feet; thence north (9°57'10") west for 240.52 feet; thence north (39°23'25") west to a point which is 200 feet south of the north line of Section 12; thence due east to the west line of the NE¹/₄ NE¹/₄ of Section 12; thence north 200 feet to the point of beginning.

and

The north 200 feet of the NE¹/₄ NE¹/₄ of Section 12, Township 67 North, Range 27 West of the 5th P.M., Decatur County, Iowa, lying west of the real estate described above.

165.20 A-1 AIRPORT DISTRICT. The following area within the corporate limits of the City is hereby zoned A-1 Airport District:

The north 4,050 feet of the east 500 feet of Section 1, Township 67 North, Range 27 West of the 5th P.M. AND

The North 914 feet of the west 492 feet of the NW¹/₄ SE¹/₄ of Section 6, Township 67 North, Range 26 West of the 5th P.M.

W¹/₂ SW¹/₄ of Section 6, Township 67 North, Range 26 West of the 5th P.M. AND a tract of land located in the SE¹/₄ SE¹/₄ of Section One, Township 67 North, Range 27 West of the 5th P.M., Decatur County, IA, more particularly described as follows:

Commencing at the SE corner of the SE¹/₄ SE¹/₄ of said Section One, thence north along the east line of the SE¹/₄ SE¹/₄ of said Section 1 a distance of 300 feet to the point of beginning, thence N 89°38'47" W a distance of 804.43 feet, thence N 10°00'33" E a distance of 1,019.59 feet, thence S 88°31'18" E a distance of 127.50 feet, thence south a distance of 61.14 feet, thence east a distance of 500 feet to a point on the east line of the SE¹/₄ SE¹/₄ of said Section 1, thence south a distance of 944.38 feet along the east line of the SE¹/₄ SE¹/₄ to the P.O.B. (Containing 15.75 acres, +/-) AND

An irregular tract of land 66 feet in width and 1,717.3 feet in length, more particularly described as: Commencing at a point on Highway 69, which is 100 feet east of the southwest corner of Section 6, Township 67 North, Range 26 West of the 5th P.M. (Point of Beginning), thence north 1,042 feet, thence north 45°00'00" west for 209.3 feet, thence north 466 feet, thence west 66 feet to the west line of said Section 6, thence south 466 feet, thence south 45°00'00" east 209.3 feet, thence south 1,042 feet to a point 34 feet east of the southwest corner of said Section 6, thence east to the point of beginning; being 2.5 acres, more or less.

165.21 E-1 EXTRATERRITORIAL DISTRICT. Pursuant to Chapter 414 of the *Code of Iowa* and Section 165.02 of this Code of Ordinances, the following area located outside the corporate limits of the City is hereby zoned E-1 Extraterritorial District:

An area including the unincorporated areas of Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15 and 16 in Fayette Township, Decatur County, Iowa, AND an area including the unincorporated areas of Sections 6 and 7 in New Buda Township, Decatur County, Iowa, AND an area extending to the unincorporated areas 1,320 feet in both cardinal directions from the centerline of U.S. Highway 69 and within Sections 22 and 23 in Fayette Township, Decatur County, Iowa, and within Sections 5 and 8 in New Buda Township, Decatur County, Iowa.

165.22 DISTRICT MAP. A map of the City, showing the districts as set out in Sections 165.11 through 165.21, is on file in the office of the Clerk and said District Map is hereby incorporated by this reference and made a part hereof with the same force and effect as if fully set forth or reproduced herein. The districts are shown in color code on the map as follows:

- | | |
|------------------------------------|--|
| R-1 Residential District – white | M-1 Local Industrial District – orange |
| R-2 Residential District – brown | M-2 Industrial District – red |
| S-1 Suburban District – dark green | M-3 Special Industrial District – yellow |
| B-1 Local Business District – blue | M-4 Industrial Park District – pink |
| B-2 Business District – purple | A-1 Airport District – light green |

E-1 Extraterritorial District – grey

165.23 DIRECTIONAL DESIGNATIONS – STREETS. The directional designation of North or South before a street name indicates whether reference is made to such street as being north or south of Main Street; and the directional designation of East or West before a street name indicates whether reference is made to such street as being east or west of Linden Street.

165.24 LAND USE – R-1 RESIDENTIAL DISTRICT. Only the following land uses are permitted in any area of the City zoned R-1 Residential District:

1. Single-family dwelling.
2. Two-family dwelling.
3. Multiple-family dwelling.
4. Library.
5. Public park, playground, golf course.
6. Educational, religious and philanthropic institutions, but not including a penal or mental institution.
7. Clinic.
8. Resident beauty shop, resident real estate office, resident insurance office, resident dentist office, resident doctor office and similar businesses where only a sale of service is involved.
9. Resident business involving sale of goods produced as a hobby, sales of homemade products and garden produce when such business does not involve a heavy flow of traffic.
10. Bed and breakfast lodging wherein no more than two bedrooms of the house are used for such purpose.
11. Accessory buildings for use customarily incidental to the above uses.
12. Parking for permitted uses as required in this chapter.

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165.25 LAND USE – R-2 RESIDENTIAL DISTRICT. Only the following land uses are permitted in any area of the City zoned R-2 Residential District:

1. All uses permitted in R-1 Residential District.
2. Mobile Home Court.
3. Parking for permitted uses as required in this chapter.

165.26 LAND USE – S-1 SUBURBAN DISTRICT. Only the following land uses are permitted in any area of the City zoned S-1 Suburban District:

1. All uses permitted in R-1 and R-2 Residential Districts except mobile home parks.
2. Crop farming, truck gardening.
3. Nursery, green house.
4. Hospital, nursing home.
5. Cemetery.
6. Livestock farming but not including livestock feed lot.
7. Accessory buildings customarily incidental to the above uses.
8. Health spa and exercise facility.
9. Parking for permitted uses as required in this chapter.

165.27 LAND USE – B-1 LOCAL BUSINESS DISTRICT.

1. Only the following land uses are permitted in any area of the City zoned B-1 Local Business District: any lawful retail or wholesale business for which the Iowa Department of Revenue and Finance will issue a sales tax permit, except those uses listed in subsection 2 of this section.
2. The following uses are not permitted in a B-1 Local Business District:
 - A. Those uses permitted in M-1 Local Industrial District.
 - B. Those uses permitted in M-2 Local Industrial District.
 - C. Those uses permitted in M-3 Local Industrial District.
 - D. Adult book stores in which the books, videos, or material sold contain primarily sexual content, or in which primarily sex toys, movies, DVDs or other sexual paraphernalia is commonly sold.
 - E. Auto salvage yards, commonly called “junkyards.”
 - F. Any establishment in which such degree of public nudity is permitted or authorized by the owner thereof, which would violate the Criminal Code of the State relating to indecent exposure.

165.28 LAND USE – B-2 BUSINESS DISTRICT. Only the following land uses are permitted in any area of the City zoned B-2 Business District:

1. All uses permitted in R-1 and R-2, except said uses are prohibited in the first story of any building being used or erected for use in a B-2 Zoning District.
2. Retail or wholesale stores, shops or businesses where goods are sold or personal services are rendered and not otherwise prohibited.
3. Accessory and incidental uses customarily found in businesses within this use classification.
4. Any other lawful retail businesses or occupations not otherwise prohibited or mentioned in this chapter which, considering the use restrictions herein, would, if mentioned herein, reasonably and logically be permitted in the B-2 Business District.

165.29 LAND USE – M-1 LOCAL INDUSTRIAL DISTRICT. Only the following land uses are permitted in any area of the City zoned M-1 Local Industrial District:

1. All uses permitted in R-1 District and not otherwise prohibited.
2. All uses permitted in B-1 District and not otherwise prohibited.
3. All uses permitted in B-2 District and not otherwise prohibited.
4. Bottling works.
5. Frozen food locker plants.
6. Milk distributing station.
7. Carting, express and storage yard.
8. Contractor's yard.
9. Coal, coke or lumber yard.
10. Grain elevator and all related and incidental activities.
11. Other similar non-manufacturing enterprises.

165.30 LAND USE – M-2 INDUSTRIAL DISTRICT. Only the following land uses are permitted in any area of the City zoned M-2 Industrial District:

1. All uses permitted in R-1 District and not otherwise prohibited.
2. All uses permitted in S-1 District and not otherwise prohibited.
3. All uses permitted in B-1 District and not otherwise prohibited.
4. All uses permitted in B-2 District and not otherwise prohibited.
5. All uses permitted in M-1 District and not otherwise prohibited.
6. Livestock auction, sale barn and all related incidental activities.
7. Any other use not prohibited by the laws of the State or this Code of Ordinances regulating nuisances and provided that no use emitting, or likely to emit, substantial amounts of dust, odor, gas, smoke or noise and none of the following uses are permitted:
 - A. Acid and chemical manufacture.
 - B. Distillation of bones.
 - C. Fat rendering.
 - D. Fertilizer manufacture.
 - E. (Repealed by Ordinance No. 252 – Dec. 20 Supp.)
 - F. Glue manufacture.
 - G. Other similar use that would be hazardous to the public health, safety and welfare.

165.31 LAND USE – M-3 SPECIAL INDUSTRIAL DISTRICT. Only the following land uses are permitted in any area of the City zoned M-3 Special Industrial District:

1. All uses permitted in R-1 District, S-1 District, B-1 District, B-2 District, M-1 District and M-2 District.
2. Meat processing plant.
3. All incidental and related activities to the uses permitted.
4. Accessory buildings customarily incidental to the permitted uses.
5. Off-street parking.

165.32 LAND USE – M-4 INDUSTRIAL PARK DISTRICT. Only the following land uses are permitted in any area of the City zoned M-4 Industrial Park District:

1. All uses permitted in R-1 District and not otherwise prohibited.
2. All uses permitted in S-1 District and not otherwise prohibited.
3. All uses permitted in B-1 District and not otherwise prohibited.
4. All uses permitted in B-2 District and not otherwise prohibited.
5. All uses permitted in M-1 District and not otherwise prohibited.
6. Any other use not prohibited by the laws of the State or any ordinance of the City regulating nuisances and providing that no use emitting or likely to emit substantial amounts of dust, odor, gas, smoke or noise, and none of the following uses are permitted:
 - A. Livestock feedlot.
 - B. Meat packing plant, slaughter house or related industry.
 - C. Salvage yard.
 - D. Acid or chemical manufacturing.
 - E. Distillation of bones.
 - F. Fat rendering.
 - G. Fertilizer manufacturing.
 - H. Garbage, offal or dead animal reduction and dumping.
 - I. Glue manufacturing and other similar industries.
 - J. Tile manufacturing.
 - K. Ready mix cement plant and related industries.
 - L. Grain elevator. and
 - M. Feed mixing or feed manufacturing plant or related industries.

165.33 LAND USE – A-1 AIRPORT DISTRICT. Only the following land uses are permitted in any area of the City zoned A-1 Airport District:

1. All uses customarily in the ordinary course of operating an airport, including, but not limited to, incidental businesses such as repairing, storing and sale of airplanes or other goods relating to aviation.
2. Accessory and incidental uses customarily found in airports within this use classification.
3. Any other lawful retail businesses or occupations not otherwise prohibited or mentioned in this section which, considering the use restrictions herein, would, if mentioned herein reasonably and logically be permitted in the A-1 Airport District.

165.34 LAND USE - E-1 EXTRATERRITORIAL DISTRICT. Only the following land uses are permitted in any area of the City zoned E-1 Extraterritorial District:

1. Agricultural purposes, farmstead occupation and all uses permitted in R-1 Residential District, R-2 Residential District, S-1 Suburban District, B-1 Local Business District and B-2 Business District M-1 Local Industrial District, M-2 Industrial District, M-3 Special Industrial District and M-4 Industrial Park District EXCEPT adult book stores in which the books, videos or material sold contains primarily sexual content, or in which primarily sex toys, movies, DVDs or other sexual paraphernalia are commonly sold and except any establishment in which such a degree of public nudity is permitted or authorized by the owner or entity or person in possession thereof which would violate the Criminal Code of the State of Iowa relating to indecent exposure.
2. Also permitted in any area of the City zoned E-1 Extraterritorial District are those uses described in this Code of Ordinances Sections 165.30(7)(A) through and including (F) and 165.32(6)(A) through and including (M) unless said use would be hazardous to the public or is otherwise prohibited by the laws of the State or this Code of Ordinances.

165.35 MINIMUM AREA; HEIGHT. The minimum area for all districts is as follows:

1. R-1 Residential District:
 - A. Minimum lot width: one-family dwelling – 60 feet; all other dwellings – 75 feet.
 - B. Minimum area: for all uses – 7,500 square feet; one- and two-family dwellings – not less than 7,500 square feet; multiple family dwellings – not less than 3,750 square feet for each first floor family dwelling unit.
 - C. Minimum front yard: all uses – 30 feet.
 - D. Minimum side yard: all uses – 7 feet for one story; 8 feet for two or more stories; and except for corner lots which are governed by Section 165.37.
 - E. Rear yard: 35 feet for all uses.
 - F. Height: maximum for all uses – two and one-half stories or 35 feet.
2. R-2 Residential District: Same rules apply as set out for R-1 Residential District except there is no restriction on height.
3. S-1 Suburban District: Same rules apply as set out for R-2 Residential District; however, no accessory building used to house livestock shall be nearer than 500 feet to any building used for residential purposes and which is not a part of the real estate on which such accessory building is located; however, a special use permit and/or a special building permit may be granted by the Board of Adjustment on a proper application reducing the restricted distance to not closer than 200 feet from such residential dwelling on condition that the applicant has a special use permit and on the further condition that the owners of all residential dwellings affected thereby disclaim in writing all objections to the issuance of such special building permit and/or special use permit.
4. B-1 Local Business District: No restrictions.
5. B-2 Business District: No restrictions.
6. M-1 Local Industrial District: No restrictions.
7. M-2 Industrial District: No restrictions.
8. M-3 Special Industrial District: No restrictions.
9. M-4 Industrial Park District: No restrictions.

165.36 EXCEPTIONS. The following exceptions apply to the requirements of Section 165.35:

1. Any lot of record, as defined in Section 165.03, at the time of passage of the Zoning Ordinance, having less area or width than herein required may be used for building purposes provided that all other yard requirements are met.
2. Where 30 percent or more of a block front is improved with buildings, no part of any new construction shall project beyond the front line of either of the two buildings nearest to such new construction, except that no new construction shall be required to provide a front yard of more than 50 feet.

3. On lots of record at the time of the passage of the Zoning Ordinance, the side yard may be reduced to 10 percent of the width required under this chapter on lots that are less than 60 feet wide, provided that no side yard shall be less than five feet.
4. Lots of record at the time of passage of the Zoning Ordinance may be reduced by 20 percent of the depth of the lot provided that no rear lot shall be less than 25 feet.
5. The ordinary projection of sills, roof over-hang, belt courses, cornices and ornamental features may be permitted not to exceed 18 inches into any required yard.
6. An accessory building may be built within a required rear yard when located at least five feet from the rear lot line and when occupying not more than 30 percent of the area of such required rear lot.
7. Chimneys, cooling or water towers, elevators, bulk-heads, fire towers, monuments, stacks, stage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus may be erected to any safe height not in conflict with any other ordinance of the City.
8. Public, semi-public or public service buildings, hospitals, institutions, churches and schools, when permitted in a district, may be erected to a height not exceeding 60 feet, providing all required yards are increased one foot for each foot of building height above the height limit otherwise provided in this chapter.

165.37 CORNER LOTS. No main building, projection of steps, uncovered porches or entrances, or any accessory building may be closer than 30 feet to either of the street lines and excepting where 30% or more of either block front is improved, no new construction shall project on either street beyond the front line of the two buildings nearest on each street to such new construction and except in no event shall any new construction be required to be back from such street lines more than 50 feet.

165.38 OFF-STREET PARKING REQUIREMENTS. No building shall be erected, enlarged or changed in use unless there is provided on the lot or tract of land, space for the parking of automobiles or trucks in accordance with the following minimum requirements:

1. One-family dwelling, multiple family dwelling in all districts – one parking space-for each-dwelling unit.
2. Commercial buildings in B-1 District and B-2 District – no requirement.
3. Industrial buildings in M-1 District and M-2 District – one parking space for each three employees.
4. Places of public assembly, except when located in a B-1 District – one space for each 50 seating capacity;

This section does not apply to public schools and to Graceland College.

165.39 NONCONFORMING USE – BUILDINGS AND LAND. The lawful use of a building, or the lawful use of land, existing at the time of the adoption of the Zoning Ordinance or existing at the time of a change in a district classification, may be continued even though such use does not conform with the provisions then applicable to such district, except for the following:

1. A nonconforming use of a building, or a nonconforming use of land, as herein stated, may be changed to another nonconforming use of the same or more restricted

classification; however, whenever a nonconforming use is changed to a more restricted use, it shall not thereafter be changed to a less restricted use.

2. This section does not apply to the location, use or occupancy of a mobile home outside of an existing mobile home park or court, and a mobile home located outside a mobile home park shall never have the status of a nonconforming use under the provisions of this chapter in derogation of any other ordinance having to do with mobile homes.

3. The nonconforming use of a building may be extended throughout those parts of said building which were manifestly designed for such nonconforming use prior to the adoption of the Zoning Ordinance.

4. Any building which has been damaged by fire, wind storm, explosion or any act of nature to an extent of 60 percent of its physical structure, or where its reconstruction or repair would cost in excess of 60 percent of its fair market value before such loss, shall not be restored except in conformity with the district regulations.

5. In the event a nonconforming use of a building, or a nonconforming use of land, in an R-1 and R-2 District is discontinued for a period of one year or more, then such building or such land shall thereafter be used only in conformity with the use allowed in such R-1 or R-2 Districts;

6. In the event a nonconforming use of a building or a nonconforming use of land in all other districts be discontinued for a period of two years or more, such building and such land shall thereafter be used in conformity with the regulations of the district in which such building or such land is located.

165.40 NONCONFORMING USE – NUISANCE. Nothing in this chapter shall be construed as permitting a nuisance to exist as, or under the guise of, a nonconforming use, and the City specifically reserves the right to abate all uses within the City which come within Chapter 50 of this Code of Ordinances and such ordinances which may be hereafter adopted.

165.41 AMENDMENTS. This chapter, or any part hereof, with respect to any regulation, restriction and boundary, may, from time to time, be amended, supplemented, changed, modified, or repealed (hereinafter collectively referred to as amendments) according to the following procedure and limitations:

1. Such proposed amendments may be initiated by the Council, by the Planning and Zoning Commission, or by a resident of the City.

2. A resident may initiate such amendment by appearing before the Council and requesting such amendment.

3. Amendments initiated by the Council or by a resident shall then be forthwith submitted by the Clerk to the Planning and Zoning Commission.

4. The Planning and Zoning Commission shall prepare a preliminary report on all proposed amendments, including such that are initiated by the Commission, and shall forthwith hold a public hearing thereon as provided for in Chapter 24; and thereafter the Commission shall file a final report thereon with the Council.

5. On receipt of the final report from the Commission, the Council shall hold a public hearing on such proposed amendment after having given at least a fifteen-day notice of such hearing by one publication in a newspaper of general circulation in the

City and which notice shall clearly state the proposed amendment, the time and place of hearing, and state that all interested persons may appear at said hearing and be heard regarding said proposed amendment.

6. Within 30 days after the date of said public hearing, the Council shall take action on such proposed amendment in form of an ordinance which may be forthwith adopted or rejected; however, in the event the Council shall fail to waive three readings of said proposed ordinance, the first reading thereof shall be within 30 days after the date of said public hearing and the last and final reading and vote thereon shall be within 30 days of the first reading.

7. In the event a protest against such amendment signed by the owners of 20 percent or more, either of the area of the lots included in such proposed change, or those immediately adjacent in the rear thereof extending the depth of one lot or not to exceed 200 feet from the street frontage of such opposite lots, such amendment shall not become effective except the favorable vote of least three-fourths of all of the members of the Council.

165.42 UNSPECIFIED USES. Wherein any particular use is not mentioned in this chapter, application for a special use permit therefor may be submitted to the Board of Adjustment.

165.43 ACTIONS TO CORRECT VIOLATIONS. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained; or any building, structure or land that is used in violation of this chapter or other regulations made under authority conferred by Chapter 414, the Council, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

165.44 CONFLICTING RULES. Wherever the regulations made under authority of Chapter 414 require a greater width or size of yard, courts or other open spaces; or require a lower height of building or less number of stories; or require a greater percentage of lot to be left unoccupied; or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the ordinances and regulations made under the authority of Chapter 414 shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yard, court or open spaces; or require a lower height of building or a less number of stories; or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by the regulations made under authority of Chapter 414, the provisions of such statute or local ordinance or regulation shall govern. Whenever any regulation proposed or made under authority of Chapter 414 relates to any structure, building, dam obstruction, deposit or excavation in or on the flood plains of any river or stream, prior approval of the Iowa Department of Natural Resources shall be required to establish, amend, supplement, change or modify such regulation or to grant any variation or exception therefrom.

165.45 VIOLATION. Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and which offense shall be punishable as such. A conviction under the provisions of this section shall not constitute a waiver or election of

remedies; and, in addition to the penalties imposed hereunder, the City shall have the authority to proceed under the provisions of Section 165.43.

165.46 RIGHT OF APPEAL. Any person aggrieved by or any officer, department, board or bureau of the City affected by the enforcement of this chapter or by any decision of the Zoning Officer under this chapter, or under any other ordinance adopted pursuant to Chapter 414, may appeal to the Board of Adjustment; and said Board of Adjustment shall have the authority to issue a special building permit or a special use permit, in the proper case, which may be at variance with this chapter or any ordinance adopted pursuant to the authority granted by Chapter 414 of the *Code of Iowa*.

165.47 ADMINISTRATION AND ENFORCEMENT. The Mayor, with the approval of the Council, shall appoint a Zoning Officer who shall administer and enforce the provisions of this chapter and all other ordinances adopted pursuant to Chapter 414; such Zoning Officer shall be a qualified voter and a resident of the City, and shall not be a member of the Board of Adjustment or Planning and Zoning Commission. Such Zoning Officer shall serve until relieved of such position by action of the Council.

165.48 REFERENCE POINTS – VACATED STREETS. The fact that a street used as a reference point in this chapter has been vacated, or vacated and alienated, shall have no effect on the validity of any part of this chapter, and the reference to any such street in this chapter shall have reference thereto as officially platted in the first instant.

SEE ALSO: Chapter 24 – Planning and Zoning Commission;
 Chapter 28 – Board of Adjustment;
 Chapter 147 – Fire Zone; and
 Chapter 155 – Building Permits

EDITOR’S NOTE			
The following ordinances have been adopted amending the Zoning Map described in Section 165.22 of this chapter and have not been included as a part of this chapter but are specifically saved from repeal and are in full force and effect.			
Ordinance	Adopted	Ordinance	Adopted
235	November 8, 2018		
256	January 13, 2022		

[The next page is 875]

CHAPTER 166

AIRPORT ZONING REGULATIONS

166.01 Definitions	166.09 Powers of Board of Adjustment
166.02 Airport Zones and Airspace Height Limitations	166.10 Vote on Variations or Orders
166.03 Use Restrictions	166.11 Judicial Review
166.04 Lighting	166.12 Administrative Agency
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166.06 Board of Adjustment Established	166.14 Penalties
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166.01 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. “Airport” means the Lamoni Municipal Airport.
2. “Airport elevation” means the highest point of an airport’s usable landing area measured in feet above mean sea level, which elevation is established to be 1,165 feet.
3. “Airport hazard” means any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 Code of Federal Regulations Sections 77.21, 77.23 and 77.25 and which obstructs the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
4. “Airport primary surface” means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
5. “Airspace height” means for the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
6. “Control zone” means airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
7. “Instrument runway” means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
8. “Minimum descent altitude” means the lowest altitude expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
9. “Minimum en route altitude” means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

10. “Minimum obstruction clearance altitude” means the specified altitude in effect between radio fixes on VOR airways, off-airways routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

11. “Runway” means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

12. “Visual runway” means a runway intended solely for the operation of aircraft using approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

166.02 AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS. In order to carry out the provisions of this section, there are hereby created and established certain zones which are depicted on the Municipal Airport Height Zoning Map. A structure located in more than one zone of the following zones is considered to be only in the zone with the more restrictive height limitations. The various zones are hereby established and defined as follows:

1. **Horizontal Zone.** The land lying under a horizontal plane 150 feet above the established elevations, the perimeter of which is constructed by swinging arcs of 5,000 foot radii from the center of each end of the primary surface of runways 17, 35, 8 and 26 and connecting the adjacent arcs by lines tangent to those arcs. (Note: The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.) No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Municipal Airport Height Zoning Map.

2. **Conical Zone.** The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet to 1 for a horizontal distance of 4,000 feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Municipal Airport Height Zoning Map.

3. **Approach Zone.** The land lying under the surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. (Note: An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.)

A. The inner edge of the approach surface is:

- (1) 250 feet wide for runways 8 and 26.
- (2) 500 feet wide for runways 17 and 35.

B. The outer edge of the approach zone is:

- (1) 1,250 feet for runways 8 and 26.
- (2) 2,000 feet for runways 17 and 35.

C. The approach zone extends for a horizontal distance of 5,000 feet at a slope of 20 to 1 for runways 17, 35, 8 and 26.

No structure shall exceed the approach surface to any runway, as depicted on the Municipal Airport Height Zoning Map.

4. Transitional Zone. The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. No structures shall exceed the transitional surface, as depicted on the Municipal Airport Height Zoning Map.

5. Increase in Elevation of Structures. No structure shall be erected in the County that raises the published minimum descent altitude for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum en route altitude to be increased on any federal airway in the City.

166.03 USE RESTRICTIONS. Notwithstanding any other provisions of 166.02, no use may be made of land or water within the City in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

1. Lighting. All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Municipal Airport or in the vicinity thereof.
2. Visual Hazards. No operation from any use shall produce smoke, glare or other visual hazards within three statute miles of any usable runway of the Municipal Airport.
3. Electronic Interference. No operation from any use in the City or County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

166.04 LIGHTING. Notwithstanding the provisions of 166.03, the owner of any structure over 200 feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1D and amendments. Additionally, any structure constructed after the effective date of this chapter and exceeding 949 feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-1D and amendments. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

166.05 VARIANCES. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in violation of any section of this chapter, may apply to the Board of Adjustment for variance from such regulations. No application for variance to the requirements of this chapter may be considered by the Board of Adjustment unless a copy of the application has been submitted to Municipal Airport Manager or Aeronautics Director for an opinion as to the aeronautical effects of such a variance. If the Municipal Airport Manager or Aeronautics Director does not respond to the Board of Adjustment within 15 days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.

166.06 BOARD OF ADJUSTMENT ESTABLISHED. There is hereby created a Board of Adjustment to have and exercise the following powers:

1. Appeals. To hear and decide appeals from any order, requirement, decision, or determination made by the Planning and Zoning Commission in the enforcement of this chapter.
2. Special Exemptions. To hear and decide special exemptions to the terms of this chapter upon which such Board of Adjustment under such regulations may be required to pass.
3. Variances. To hear and decide specific variances.

166.07 BOARD OF ADJUSTMENT. The Board of Adjustment shall consist of five members appointed by the City and each shall serve for staggered terms of five years and until his or her successor is duly appointed and qualified. Members are removable for cause by the appointing authority upon written charges, after a public hearing. (Note: For a Board of Adjustment comprised of two or more municipalities, see Iowa Statutes, Section 329.12.)

166.08 BOARD OF ADJUSTMENT PROCEDURES. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board of Adjustment may determine. The Chairperson, or in his or her absence the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the offices of the Clerk, and on due cause shown.

166.09 POWERS OF BOARD OF ADJUSTMENT. The Board of Adjustment shall have the powers established in the *Code of Iowa*, Section 414.12.

166.10 VOTE ON VARIATIONS OR ORDERS. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant, on any matter upon which it is required to pass under this chapter, or to effect variations of this chapter.

166.11 JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the court of record as provided in the *Code of Iowa*, Section 414.15.

166.12 ADMINISTRATIVE AGENCY. It is the duty of the City to administer the regulations prescribed herein. Applications for permits and variances shall be made to the City upon a form furnished by the City. Application for action by the Board of Adjustment shall be forthwith transmitted by the City.

166.13 CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

166.14 PENALTIES. A violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a violation of this Code of Ordinances. Each day a violation continues to exist shall constitute a separate offense.

166.15 AIRPORT ZONING OFFICER. Barbara Stuck is hereby appointed as Airport Zoning Officer with all power and authority as established by said zoning ordinance.

(Ord. 228 – Oct. 18 Supp.)

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CHAPTER 167

LAMONI MUNICIPAL AIRPORT LAND USE AND HEIGHT OVERLAY ZONING

167.01 Introduction	167.11 Airport Overlay Zoning Permits
167.02 Authority	167.12 Hazardous Markings and Lighting
167.03 Statement of Purpose and Findings	167.13 Height Limitation
167.04 Short Title	167.14 Variances
167.05 Applicability	167.15 Appeals
167.06 Definitions	167.16 Judicial Review
167.07 Airport Imaginary Surfaces	167.17 Penalties
167.08 Land Use Compatibility Zones	167.18 Conflicting Regulations
167.09 Airport Overlay Zoning Maps	167.19 Airport Height Overlay Zoning Map
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167.01 INTRODUCTION. This ordinance shall regulate and restrict the height of structures, objects, and growth of natural vegetation, as well as land uses; otherwise regulating the use of property, within the vicinity of the Lamoni Municipal Airport. Creation of appropriate zones and establishing the boundaries thereof, as well as providing for changes in the restrictions and boundaries of such zones is vested in this ordinance. Lamoni Municipal Airport Land Use & Height Zoning Maps are incorporated into and made part of this ordinance. The ordinance also provides for the enforcement of the ordinance, the establishment of a Board of Adjustment; and imposition of penalties related to the implementation of the ordinance.

167.02 AUTHORITY. Iowa Code Section 329.3 Airport Zoning empowers local municipalities to zone airports including height restrictions and land uses.

167.03 STATEMENT OF PURPOSE AND FINDINGS. The Lamoni Municipal Airport is acknowledged as an essential public facility to the State of Iowa and the local community.

The creation or establishment of an airport hazard is a public nuisance and poses a potential concern to the surrounding communities served by the Lamoni Municipal Airport.

There shall be no creation or establishment of a hazard that endangers public health, safety, welfare, and impacts an individuals' quality of life nor prevents the safe movement of aircraft at the Lamoni Municipal Airport.

For the protection of the public health, safety, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards.

The prevention of airport hazards shall be accomplished, to the extent legally possible, by proper exercise of the police power.

The prevention of new airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards, are considered to be a public purpose for which the City of Lamoni/Decatur County may raise and expend public funds, as an incident to the operation of airports, to acquire or property interest therein.

167.04 SHORT TITLE. This ordinance shall be known and may be cited as Lamoni Municipal Airport Land Use & Height Zoning Ordinance and it is referred to as “the ordinance” within the following sections.

167.05 APPLICABILITY. This ordinance encompasses a general area around the Lamoni Municipal Airport. Specific dimensions associated with the zoning boundary are shown in the Airport Height Overlay Zoning Map.

167.06 DEFINITIONS. The following definitions shall be utilized for terms as appropriate to the ordinance.

1. Air Traffic – Aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.
2. Airport – Any areas of land as shown on the FAA Airport Layout Plan (ALP) that is used, or intended for use, for the landing and takeoff of aircraft. Any appurtenant areas that are used, or intended for use, for airport buildings, other airport facilities, or rights-of-way; and all airport buildings and facilities located on the areas specified in this definition. The Lamoni Municipal Airport is a public owned airport that is owned by the City of Lamoni, Iowa.
3. Airport Elevation – The highest point on an airport’s usable landing area measured in feet from mean sea level.
4. Airport Environs – The land use and people in the areas surrounding an airport which can be directly affected by the operation of the airport.
5. Airport Hazard – Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near a public airport that obstruct the airspace required for the flight of aircraft landing or taking off at the airport; or is otherwise hazardous to aircraft landing or taking off at the airport.
6. Airport Layout Plan (ALP) – The Airport Layout Plan (as approved by FAA) shows the layout of existing and proposed airport facilities.
7. Airport Land Use Overlay Zones – A zone intended to place additional land use conditions on land impacted by the airport while retaining the existing underlying zone. The FAR Part 77 Surfaces and Runway Protection Zones (RPZs) have been combined to create five airport land use overlay zones. The five specific zones create a comprehensive area focused on maintaining compatible land use around airports.
 - A. Zone A – This zone coincides with the Runway Protection Zone associated with each runway as shown on the Airport Layout Plan (ALP). It is intended to provide a clear area that is free to the maximum extent possible of above ground objects and structures. See Runway Protection Zone.
 - B. Zone B – This zone coincides with the approach and departure surfaces associated with each runway as shown on the Airport Layout Plan. The size of Zone B is predicted upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft utilizing the runway.
 - C. Zone C – This zone coincides with the Transitional Surface associated with each runway as shown on the Airport Layout Plan and Airport Part 77 Airport Imaginary Surfaces drawing. This area extends from the primary

surface and runway approach slope outward and upward at a 7:1 slope until it intersects with the horizontal surface.

D. Zone D – This zone coincides with the horizontal surface as shown on the FAR Part 77 Airport Imaginary Surfaces drawing. This surface is established 150 feet above the established airport elevation.

E. Zone E – is the outermost zone of the overlay areas and has the least number of land use restriction considerations. The zone begins at the edge of the horizontal surface and is 4,000 feet in width paralleling the horizontal surface.

8. Airport Reference Code (ARC) – The ARC is an FAA coding system used to relate airport design criteria to the operational and physical characteristics of the airplanes intended to operate at the airport.

9. Airport Reference Pointe (ARP) – The latitude and longitude of the approximate center of the airport.

10. Airport Zoning Permit – Airport zoning permit allowing new development or alteration or expansion of a nonconforming use.

11. Airside – That portion of the airport facility where aircraft movements take place, aircraft operational areas, and areas that directly serve the aircraft.

12. Airspace – The space lying above the earth or above a certain area of land or water that is necessary to conduct aviation operations.

13. Approach and Runway Protection Zone Map – The Approach and Runway Protection Zone Map is compiled from the criteria in FAR Part 77, “Objects Affecting Navigable Airspace.”

14. Approach Slopes – The ratios of horizontal to vertical distance indicating the degree of inclination of the Approach Surface. The various ratios include:

A. 20:1 - For all utility and visual runways extended from the primary surface 5,000 feet.

B. 34:1 - For all non-precision instrument runways extended from the primary surface for 10,000 feet.

15. Approach Surface – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

16. Avigation Easement – A grant of the property interest in land over which a right of unobstructed flight in the airspace is established.

17. Building Codes – Codes, either local or state, that control the functional and structural aspects of buildings and/or structures.

18. Commercial Uses – Commercial uses means a use category including land uses or activities involving the production, processing, manufacturing, or sale of goods or services for financial gain, including uses that provide merchandise to the general public. Accessory uses may include offices, storage, food service, or other amenities primarily for the use of employees and parking.

19. Compatibility – The degree to which land uses or types of development can coexist or integrate.
20. Easement – The legal right of one party to use a portion of the total rights in real estate owned by another party. This may include the right of passage over, on, or below property; certain air rights above the property, including view rights; and the rights to any specified form of development or activity, as well as any other legal rights in the property that may be specified in the easement document.
21. Federal Aviation Administration (FAA) – A federal agency charged with regulating air commerce to promote its safety and development; encourage and develop civil aviation, air traffic control, air navigation; and promoting the development of a national system of airports.
22. Federal Aviation Regulations (FAR) – Regulations established and administered by the FAA that govern civil aviation and aviation-related activities.
- A. FAR Part 36 – Regulation establishing noise standards for the civil aviation fleet.
 - B. FAR Part 91 – Regulation pertaining to air traffic and general operating rules, including operating noise limits.
 - C. FAR Part 77 – Objects Affecting Navigable Airspace – Part 77 (a) establishes standards for determining obstructions in navigable airspace; (b) defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (d) provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.
 - D. General Aviation Airport – Any airport that is not an air carrier airport or a military facility.
 - E. Hold Harmless Agreement – An agreement which holds airport sponsors or jurisdictions harmless for alleged damages resulting from airport operations. Such agreements are recorded in deeds or permits as a condition of approval of a regulatory land use decision.
 - F. Industrial, Wholesale Trade, and Storage Uses – A use category including the following use types:
 - (1) Industrial development or uses involved in the research, design, manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or customers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales (typically 10% or less of the total gross floor area). Relatively few customers come to the site.
 - (2) Industrial, manufacturing, wholesale trade, and warehouse/storage uses including uses that produce goods from raw or finished materials, uses that distribute goods in large quantities to

primarily wholesale customers, or provide for storage or warehousing of goods, either in enclosed buildings or outdoors. Few customers, especially the general public, come to the site. Accessory activities may include sales, offices, parking, and storage.

G. FAR Part 77 Airport Imaginary Surfaces – Those areas established in relation to the airport and to each runway consistent with Federal Aviation Regulation (FAR) Part 77 in which any object extending above these imaginary surfaces, by definition, is an obstruction.

H. Transitional Surface – The transitional surface extends outward and upward at right angles to the runway centerline and extend at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above.

I. Horizontal Surface – The horizontal surface is a horizontal plane located 150 feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.

J. Conical Surface – The conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one foot vertically (20:1) for a horizontal distance of 4,000 feet.

K. Approach Surface – The approach surface is longitudinally centered on the extended runway centerline and extends outward and upward from the end of the runway primary surface. The approach slope of a runway is a ratio of 20:1, 34:1, or 50:1, depending on the approach type. The length of the approach surface varies from 5,000 to 50,000 feet and also depends upon the approach type.

23. Incompatible Land Use – The use of land which is normally incompatible with the aircraft and airport operations (such as, but not limited to, homes, schools, nursing homes, hospitals, and libraries).

24. Instrument Approach Procedure – A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority.

25. Instrument Flight Rules (IFR) – Rules governing the procedure for conducting instrument flight. In addition, it is a term used by pilots and controllers to indicate a type of flight plan.

26. Itinerant Operation – Takeoff or landing operations of airplanes going from one airport to another airport that involves a trip of at least 20 miles. Local operations are excluded.

27. Land Use Compatibility – The coexistence of land uses surrounding the airport with airport-related activities.

28. Lighting and Marking of Hazards to Air Navigation – Installation of appropriate lighting fixtures, painted markings or other devices to such objects or structures that constitute hazards to air navigation.

29. Mitigation – The avoidance, minimization, reduction, elimination or compensation for adverse environmental effects of a proposed action.
30. Navigation Aids (NAVAID) – Any facility used by an aircraft for guiding or controlling flight in the air or the landing or take-off of an aircraft.
31. Navigable Airspace – The airspace above minimum altitude for safe flight, and includes the airspace needed to ensure safety in take-off and landing of aircraft.
32. Noise Exposure Contours – Lines drawn around a noise source indicating constant energy levels of noise exposure. DNL is the measure used to describe community exposure to noise.
33. Noise Sensitive Area – Defined as an area where noise interferes with normal activities associated with the area's use. Examples of noise-sensitive areas include residential, educational, health, and religious structures and sites, and parks, recreational areas (including areas with wilderness characteristics), wildlife refuges, and cultural and historical sites where a quiet setting is a generally recognized feature or attribute.
34. Non-Conforming Use – Any pre-existing structure, tree, or use of land that is inconsistent with the provisions of the local land use or airport master plans.
35. Non-Precision Instrument Runway – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
36. Object – Includes, but is not limited to above ground structures, NAVAIDSs, people, equipment, vehicles, natural growth, terrain, and parked aircraft.
37. Obstacle Free Zone (OFZ) – The OFZ is the airspace below 150 feet above the established airport elevation and along the runway and extended runway centerline that is required to be clear of all objects, except for the frangible visual NAVAID's that need to be located in the OFZ because of their function, in order to provide clearance protection for the aircraft landing or taking off from the runway, and for missed approaches.
38. Obstruction – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, specific to its geographic location relative to the runway/airport.
39. On-Airport Property – Property that is within the boundary of land as shown on the FAA Exhibit A Airport Property map owned by the airport sponsor.
40. Land Use Overlay Zone – A mapped zone that imposes a set of requirements in addition to those of the underlying zoning district.
41. Primary Surface – A surface longitudinally centered on a runway. When the runway has a prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in FAR Part 77. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
42. Primary Runway – The runway used for the majority of airport operations.

43. Public Assembly Use – Means a structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, shopping, business, entertainment, amusement, sporting events, or similar activities, but excluding air shows. “Public assembly use” does not include places where people congregate for relatively short periods of time, such as parking lots and bus stops, or uses approved by the FAA in an adopted airport master plan.
44. Public Use Airport – Means either a publicly owned airport or a privately owned airport open for public use.
45. Residential and Accommodation Uses – Mean a use category that includes the following use types:
- A. Residential uses that provide living accommodations, including sleeping, eating, cooking and sanitary facilities, to one or more persons, and where tenancies typically last longer than 30 days.
 - B. Accommodation uses characterized by visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation, and with an average length of stay of less than 30 days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices.
46. Runway Protection Zone (RPZ) – An area off the runway end designed to enhance the protection of people and property on the ground.
47. Runway Safety Area – A defined surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an overshoot, or excursion from the runway.
48. Structure – Any object constructed or installed by humans, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines, including the poles or other structures supporting the same.
49. Utility Runway – A utility runway constructed for and intended to be used by propeller driven aircraft of 12,500 pounds gross weight or less.
50. Variance – An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land that is prohibited by a zoning ordinance. A lawful exception from specific zoning ordinance standards and regulations predicated on the practical difficulties and/or unnecessary hardships on the petitioner being required to comply with those regulations and standards from which an exemption or exception is sought.
51. Visual Approach – An approach to an airport conducted with visual reference to the terrain.
52. Visual Runway – A runway without an existing or planned straight-in instrument approach procedure.
53. Visual Flight Rules (VFR) – Rules that govern the procedures for conducting flight under visual conditions. The term “VFR” is also used in the United States to indicate weather conditions that are equal to or greater than minimum VFR requirements. In addition, “VFR” is used by pilots and controllers to indicate the type of flight plan.

54. Wetland – Land on which water covers the soil or is present either at or near the surface of the soil or within the root zone, all year or for varying periods of time during the year, including during the growing season. Wetlands provide a variety of functions and can be regulated by local, state, and Federal laws. Normally, wetlands are attractive to many types of wildlife, including many, which rank high on the list of hazardous wildlife species.

55. Wildlife Attractants – Means any human-made structure, land-use practice, or human-made or natural geographic feature that can attract or sustain hazardous wildlife within the landing or departure airspace or the airport’s air operations area. These attractants include, but are not limited to, architectural features, landscaping, waste disposal sites, wastewater treatment facilities, agricultural or aquaculture activities, surface mining, or wetlands.

56. Wildlife Hazards – Means species of wildlife (birds, mammals, reptiles), including feral animals and domesticated animals not under the control, that are associated with aircraft strike problems, are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard.

167.07 AIRPORT IMAGINARY SURFACES. The FAR Part 77 Airport Imaginary Surfaces drawing as shown in the Airport Layout Plan establishes height restrictions associated with Land Use Compatibility Zones A, B, C, D, and E.

167.08 LAND USE COMPATIBILITY ZONES. FAR Part 77 Surfaces and RPZs have been combined to create five airport land use compatibility zones. These five zones are designed to maintain compatible land uses around the Lamoni Municipal Airport.

1. Five airport overlay Land Use & Height Overlay zoning districts are prescribed within this ordinance. Specific dimensions for the individual zones for each runway end are noted in the following tables and text. The Airport Land Use & Height Overlay Zoning Maps should be evaluated to determine the specific area of impact associated with each zone.

A. Zone A Runway Protection Zone (RPZ). Zone A is intended to provide a clear area that is free of above-ground obstructions and structures. This zone is closest to the individual runway ends.

TABLE 1: ZONE A DIMENSIONAL REQUIREMENTS

Runway Ends	Approach Visibility Minimums <u>1</u>	Dimensions			
		Length L feet	Inner Width W ₁ feet	Outer Width W ₂ feet	RPZ acres
Runway 36	2	1000	500	700	13.770
Runway 18	2	1000	500	700	13.770
Runway 5	2	1000	250	450	8.035
Runway 23	2	1000	250	450	8.035

(1) The RPZ dimensional standards are for the runway end with the specified approach visibility minimums. The departure RPZ dimensional standards are equal to or less than the approach RPZ dimensional standards. When an RPZ begins other than 200 feet (60m) beyond the runway end, separate approach and departure RPZs should

be provided. Refer to FAA AC 150/5300-13, Change 11, Appendix 14 for approach and departure RPZs.

(Source: FAA AC 150/5300-13, Change 11, Airport Design Standards)

- (2) Approach Visibility Minimums: Not lower than one mile.

B. Zone B Approach Surface. Zone B is a critical airport overlay zoning surface that reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft utilizing the runway. The following table illustrates the various sizes of Zone B based upon the specific runway criteria. A portion of Zone B is overlain by Zone A because the approach surface and RPZ overlap the entire length of the RPZ. Consequently, the length of Zone B begins at the inner edge of the RPZ.

TABLE 2: AIRPORT OVERLAY ZONES B-D DIMENSIONAL STANDARDS

Item	Runway Dimensional Standards (Feet)			
	Runway 18	Runway 36	Runway 5	Runway 23
Primary surface width and Zone B inner width	500	500	250	250
Zone B end width	2000	2000	1250	1250
Zone B length	5000	5000	5000	5000
Zone C width	1050	1050	1050	1050
Zone D radius	5000	5000	5000	5000
Zone E width	4000	4000	4000	4000

C. Zone C Transitional Surface. Zone C includes those areas that are parallel to the runway pavement and extend outward for each foot upward beginning at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the established airport elevation. The specific dimensions for Zone C are based upon the primary surface as shown on the Airport Layout Plan.

D. Zone D Horizontal Surface. Zone D is typically elliptical in shape, depending upon the runway types and configurations at individual airports.

E. Zone E Conical Surface. Zone E is the outermost zone of the airport overlay zoning areas and has the least number of land use restriction considerations. The zone begins at the edge of the horizontal surface and is 4,000 feet in width paralleling the horizontal surface.

- 2. Zone Compatibility. The following tables shall be utilized to evaluate land use compatibility for various land use classifications.

A. Compatible Uses. Uses identified as compatible shall not require additional review, however, consideration should be given to the following five areas of concerns:

- (1) Noise sensitive related issues.
- (2) High concentrations of people.
- (3) Tall structures.

- (4) Visual obstructions.
- (5) Wildlife and bird attractants.

B. Noncompatible Uses. Uses found to be NOT compatible shall be precluded from development within the specific zones.

Uses found to require additional review shall be evaluated for general compatibility utilizing the					
C = Compatible AR = Additional Review Required NC = Not Compatible					
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E
Residential Activities					
Single-Family Uses (1 dwelling per lot)					
Detached Single Family Dwelling (i.e. farm dwelling, detached single family house, manufactured/modular/mobile homes if converted to real property and taxed)	NC	AR	NC	AR	C
Detached Zero Lot Line Dwelling (i.e. condominium)	NC	AR	NC	AR	C
Attached Single Family Dwelling (i.e. townhouses)	NC	AR	NC	AR	C
Two Family Uses (i.e. two principal dwelling units within one building on the same parcel)	NC	AR	NC	AR	C
Multi-Family Uses (i.e. three or more principal dwelling units within a single building on the same parcel, apartments such as condominium, elder, assisted living, townhouse-style)					
Low-Rise (1-3 Levels)	NC	NC	NC	AR	C
Mid-Rise (4-12 Levels)	NC	NC	NC	AR	C
High-Rise (13+ Levels)	NC	NC	NC	AR	C
Group Living Uses (i.e. assisted living, group care facilities, nursing and convalescent homes, independent group living)	NC	NC	NC	AR	C
Manufactured Housing Parks	NC	NC	NC	AR	C

LAMONI AIRPORT ZONE CHART					
C = Compatible AR = Additional Review Required NC = Not Compatible					
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E
Commercial Activities					
Eating and Drinking Establishments (i.e. restaurants, cafes, coffee shops, fast food restaurants, bars, nightclubs, taverns, cocktail lounges)	NC	AR	AR	C	C
Quick Vehicle Servicing Uses (i.e. full-serve and mini-serve gas station, unattended card key service stations, car washes)	NC	AR	AR	C	C
Office Uses (i.e. business, government, professional, medical, or financial)					
General Office (i.e. professional offices, financial businesses, government offices)	NC	AR	AR	AR	C
Low-Rise (1-3 Levels)	NC	AR	AR	AR	C
Mid-Rise (4-12 Levels)	NC	NC	NC	AR	C
High-rise (13+ Levels)	NC	NC	NC	AR	C
Medical/Dental Office (i.e. medical and dental clinics, chiropractic clinics, physical therapy clinics)	NC	AR	AR	AR	C
Low-Rise (1-3 Levels)	NC	AR	AR	AR	C
Mid-Rise (4-12 Levels)	NC	NC	NC	AR	C
High-Rise (13+ Levels)	NC	NC	NC	AR	C
Retail Uses (i.e. sale, lease, or rent of new or used products)					
Sales-Oriented (i.e. appliances, convenience stores, bakeries, electronics, furniture, garden supplies, gas stations, groceries, hardware, malls, strip malls, videos)	NC	AR	AR	AR	C
Personal Service-Oriented (i.e. retail service-banking establishments, laundromats/dry cleaning, quick printing services, beauty/tanning salons, funeral homes)	NC	AR	AR	AR	C
Repair-Oriented (i.e. consumer goods-electronics, office equipment, appliances)	NC	AR	AR	AR	C

LAMONI AIRPORT ZONE CHART					
C = Compatible AR = Additional Review Required NC = Not Compatible					
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E
Commercial Activities (Continued)					
Hospitality-Oriented (hotels, motels, convention centers, meeting halls, event facilities)	NC	NC	NC	AR	C
Low-Rise (1-3 Levels)	NC	AR	AR	AR	C
Mid-Rise (4-12 Levels)	NC	NC	NC	AR	C
High-Rise (13+ Levels)	NC	NC	NC	AR	C
Outdoor Storage and Display-Oriented (i.e. outdoor storage-lumber yards, vehicles, sales, landscape material and nursery product sales, farm supply and equipment sales)	NC	AR	AR	AR	C
Surface Passenger Services (i.e. passenger terminals for buses, rail services, local taxi and limousine services)	NC	AR	AR	C	C
Vehicle Repair Uses (i.e. vehicle repair or service shops, alignment shops, tire sales)	NC	AR	AR	C	C

LAMONI AIRPORT ZONE CHART					
C = Compatible AR = Additional Review Required NC = Not Compatible					
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E
Industrial/Manufacturing Activities					
Industrial Service Uses (i.e. machine shops, tool repair, towing and vehicle storage, building supply yards, heating/plumbing/electrical contractors, exterminators, janitorial services, fuel oil distributors, solid fuel yards)	NC	AR	AR	AR	C
Manufacturing and Production Uses (i.e. manufacturing, processing, fabrication, packaging or assembly of goods)					
Technical/Light Manufacturing (i.e. electrical components, engineering, scientific and research, office, computer hardware/software, optical, pharmaceuticals, printing/photo facilities, publishing)	NC	AR	AR	AR	C
General Manufacturing (i.e. manufacturing, compounding, assembling or treatment of most articles, materials, or merchandise)	NC	AR	AR	AR	C
*Heavy Manufacturing (i.e. concrete and asphalt plants, meat packing plants, wet corn milling, manufacturing of animal feed, paper/paperboard mills, ethanol plants)	NC	NC	NC	AR	C
Mining and Extraction Uses	NC	NC	NC	AR	C
Salvage Operations (i.e. firms that collect, store, and dismantle damaged or discarded vehicles, machinery, appliances, and building material)	NC	C	NC	C	C
Self-Service Storage Uses (i.e. mini-warehouses/storage facilities)	NC	C	AR	C	C
Warehouse and Freight Uses (i.e. major wholesale distribution centers, general freight storage, railroad switching yards, bus/rail car storage lots, parcel service, grain terminals)	NC	C	AR	C	C
Waste-Related Uses (i.e. recycling centers, sanitary landfills, waste transfer stations, composting, energy recovery plants, sanitary and water treatment facilities, sanitary collection/pumping facilities, hazardous waste collection sites)	NC	NC	NC	AR	AR
Wholesale Sales Uses (i.e. sale, lease, or rental of products to retailers for industrial, institutional, or commercial business users)	NC	AR	AR	AR	C

LAMONI AIRPORT ZONE CHART					
C = Compatible AR = Additional Review Required NC = Not Compatible					
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E
Institutional Activities					
Basic Utility Uses (i.e. utility substation facilities, electrical substations, water and sewer lift stations, water towers)	NC	AR	NC	AR	C
College and Universities (i.e. public or private colleges and universities, technical colleges, seminaries)	NC	NC	NC	AR	C
Community Service Uses (i.e. public, nonprofit, or charitable nature providing a local service to the people)					
General Community Service (i.e. libraries, museums, transit centers, park and ride facilities, senior/community/neighborhood centers, police and fire stations)	NC	AR	AR	AR	C
Community Service-Shelter (i.e. transient housing)	NC	AR	AR	AR	C
Daycare Uses (i.e. childcare centers, adult daycare, preschools after school programs)	NC	NC	NC	AR	C
Detention Facilities (i.e. prisons, jails, probation centers, juvenile detention homes, halfway houses)	NC	NC	NC	AR	C
Educational Facilities (i.e. public and private schools)					
General Educational Facilities (i.e. public and private elementary, middle, junior, and senior high schools including religious, boarding, military schools)	NC	NC	NC	AR	C
Specialized Education Facilities (i.e. specialized trade, business, or commercial courses, nondegree-granting schools)	NC	NC	NC	AR	C
Hospitals (i.e. hospitals, medical centers)	NC	NC	NC	AR	C
Religious Assembly Uses (i.e. churches, temples, synagogues, mosques, masonic, eagles, moose, or elk lodges)	NC	NC	NC	AR	C

LAMONI AIRPORT ZONE CHART					
C = Compatible AR = Additional Review Required NC = Not Compatible					
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E
Infrastructure					
Communication Transmission Facility Uses (i.e. broadcast, wireless, point to point, emergency towers and antennae)	NC	NC	NC	AR	AR
Parking Uses (i.e. ground lots, parking structures)	AR	C	AR	C	C
Transportation Uses (i.e. highways, interstates, local and county roads)	AR	C	C	C	C
Utility Uses (i.e. solar power generation equipment, wind generators, wind farms)	NC	NC	NC	AR	AR

LAMONI AIRPORT ZONE CHART					
C = Compatible AR = Additional Review Required NC = Not Compatible					
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E
Infrastructure Activities					
Agricultural Uses (i.e. commercial cultivation of plants, livestock production)					
Plant-related (i.e. crop farming, vegetable, fruit, and tree, wholesale plant nurseries)	AR	AR	AR	C	C
Animal-related (i.e. livestock operations, dairy farms, horse farms)	AR	AR	AR	C	C
Resident-related (i.e. single-family home, mobile home if converted to real property and taxed)	NC	AR	NC	AR	C
Facility-related (i.e. fuel bulk storage/pumping facility, grain elevator, livestock/seed/grain sales)	NC	NC	NC	AR	AR
Floodplains	AR	AR	AR	C	C
Water Bodies (i.e. open bodies containing water)					
Man-made resources (i.e. mining and extraction, water detention ponds, wetlands)	NC	AR	AR	AR	AR
Naturally occurring (i.e. lakes, ponds, prairie pot holes, rivers, streams, wetlands)	NC	AR	AR	C	C
Wildlife Preservation Areas (i.e. petting zoos, wildlife rehabilitation centers, zoos)	NC	NC	NC	AR	C

LAMONI AIRPORT ZONE CHART					
C = Compatible AR = Additional Review Required NC = Not Compatible					
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E
Parks and Recreation Activities					
Commercial Recreational Uses (i.e. facilities used for physical exercise, recreation, or culture)					
Outdoor (i.e. campgrounds, tennis/swimming facilities, drive-in theaters, skating rinks, pavilions, amphitheatres)	NC	NC	NC	AR	C
Indoor (i.e. physical fitness centers, health clubs, bowling alleys, skating rinks, billiard halls, arcades, indoor theaters)	NC	AR	NC	AR	C
Golf (i.e. golf driving ranges, outdoor miniature golf, 9+ hole courses)	NC	AR	NC	C	C
Utility Uses (i.e. amusement/theme parks, fairgrounds, racetracks, sports arenas)	NC	NC	NC	AR	AR
Parks (i.e. aquatic, mini, private, sports, neighborhood, school, community)	NC	AR	NC	C	C
Casino	NC	NC	NC	AR	C

167.09 AIRPORT OVERLAY ZONING MAPS. This section provides the official Airport Land Use & Height Overlay Zoning Maps as part of this ordinance.

The Airport Land Use & Height Overlay Zoning Districts established by this ordinance are shown on the Lamoni Municipal Airport Land Use & Height Overlay Zoning Maps consisting of one sheet. Such official Airport Land Use & Height Overlay Zoning Maps, may be amended, and all notations, references, elevations, data, zone boundaries, and other information thereon, is hereby adopted as part of this ordinance.

167.10 ORDINANCE ADMINISTRATION. It shall be the duty of the City of Lamoni referred to herein as the “Airport Zoning Officer,” to administer the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Zoning Officer upon forms furnished by the Airport Zoning Officer. Applications for action by the Board of Adjustment shall be forthwith transmitted by the Airport Zoning Officer should an applicant request review. Permit applications shall be either granted or denied by the Airport Zoning Officer according to the regulations prescribed herein.

167.11 AIRPORT OVERLAY ZONING PERMITS. It shall be the duty of the applicant to provide the Airport Zoning Officer with sufficient information to evaluate the proposed action. This information shall include but not be limited to the following:

1. Contact information.
2. Structure information.
3. Site information.
4. Drawing information.

5. Certification.
6. Identify current and potential compatibility concerns.

The Airport Zoning Officer shall evaluate the proposal based upon information provided by the applicant. The Airport Zoning Officer shall approve the permit if after evaluation, the proposed project is found to be adequately compatible. Should the proposed project be found to be incompatible after review, the Airport Zoning Officer shall deny the permit. Should the permit be denied, the applicant shall have the right to request a variance or an appeal as prescribed in this ordinance.

167.12 HAZARDOUS MARKINGS AND LIGHTING. Lighting and marking requirements will be determined through an FAA 7460-1 airspace analysis – The owner of any structure, object, natural vegetation, or terrain is hereby required to install, operate, and maintain such markers, lights, and other aids to navigation necessary to indicate to the aircraft operators in the vicinity of an airport the presence of an airport hazard. Hazardous markers and lights shall be installed, operated, and maintained at the expense of the owner.

167.13 HEIGHT LIMITATIONS. No structure, object, natural vegetation, or terrain shall be erected, altered, allowed to grow or be maintained within any airport zoning district established by this ordinance to a height in excess of the applicable height limitations set forth in the Lamoni Municipal Airport Ordinance. The Lamoni Municipal Airport Ordinance is considered to be part of this ordinance and is incorporated herein. The permitted height shall not exceed the difference between the grade elevation and the height limitation numbers illustrated on the “Official Lamoni Municipal Airport Height Overlay Map” within the various airport zoning districts encompassed by this ordinance. The Lamoni Municipal Airport Height Overlay Map is located in the office of the City Administrator, City of Lamoni, Iowa.

An FAA 7460-1 airspace review shall provide a portion of the information necessary to evaluate potential height impacts. However, it shall not be the sole source of review.

167.14 VARIANCES. Any person desiring to erect, alter, or increase the height of any structure, object, or to permit the growth of any natural vegetation, or otherwise use his property in violation with any section of this ordinance, may apply to the Board of Adjustment for variance from such regulation. No application for variance to the requirements of this ordinance may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Lamoni Municipal Airport Zoning Officer for an opinion as to the aeronautical effects of the variance.

167.15 APPEALS. Any person, property owner, or taxpayer impacted by any decision of this ordinance, may appeal to the Board of Adjustment.

Insert detail regarding procedures for the appeals process already in use by the adopting governing body.

167.16 JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the Court of Record as provided in Iowa Code, Section 414.15.

167.17 PENALTIES. Any violation of this ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a simple misdemeanor, and shall be punishable by a fine

of not more than \$100.00 dollars or imprisonment for not more than 30 days or both; each day a violation continues to exist shall constitute a separate offense.

167.18 CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to height or structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

167.19 AIRPORT HEIGHT OVERLAY ZONING MAP. The exhibit provides the Official Airport Height Overlay Zoning Map to be kept on file with the appropriate governmental entities. The maps must be amended when changes occur within the jurisdictional boundaries of their maps. The maps must be prepared and adopted concurrently with the ordinance.

(Ch. 167 – Ord. 227 – Oct. 18 Supp.)

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APPENDIX TO CODE OF ORDINANCES

USE AND MAINTENANCE OF THE CODE OF ORDINANCES

The following information is provided to assist in the use and proper maintenance of this Code of Ordinances.

DISTRIBUTION OF COPIES

1. **OFFICIAL COPY.** The “OFFICIAL COPY” of the Code of Ordinances must be kept by the City Clerk and should be identified as the “OFFICIAL COPY.”

2. **DISTRIBUTION.** Other copies of the Code of Ordinances should be made available to all persons having a relatively frequent and continuing need to have access to ordinances which are in effect in the City as well as reference centers such as the City Library, County Law Library, and perhaps the schools.

3. **SALE.** The sale or distribution of copies in a general fashion is not recommended as experience indicates that indiscriminate distribution tends to result in outdated codes being used or misused.

4. **RECORD OF DISTRIBUTION.** The City Clerk should be responsible for maintaining an accurate and current record of persons having a copy of the Code of Ordinances. Each official, elected or appointed, should return to the City, upon leaving office, all documents, records and other materials pertaining to the office, including this Code of Ordinances.

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

NUMBERING OF ORDINANCES AMENDING THE CODE OF ORDINANCES

It is recommended that a simple numerical sequence be used in assigning ordinance numbers to ordinances as they are passed. For example, if the ordinance adopting the Code of Ordinances is No. 163, we would suggest that the first ordinance passed changing, adding to, or deleting from the Code be assigned the number 164, the next ordinance be assigned the number 165, and so on. We advise against using the Code of Ordinances numbering system for the numbering of ordinances.

RETENTION OF AMENDING ORDINANCES

Please note that two books should be maintained: (1) the Code of Ordinances, and (2) an ordinance book. We will assist in the maintenance of the Code of Ordinances book, per the Supplement Agreement, by revising and returning appropriate pages for the Code of Ordinances book as required to accommodate ordinances amending the Code. The City Clerk is responsible for maintaining the ordinance book and must be sure that an original copy of each ordinance adopted, bearing the signatures of the Mayor and Clerk, is inserted in the ordinance book and preserved in a safe place.

SUPPLEMENT RECORD

A record of all supplements prepared for the Code of Ordinances is provided in the front of the Code. This record will indicate the number and date of the ordinances adopting the original Code and of each subsequently adopted ordinance which has been incorporated in the Code. For each supplemented ordinance, the Supplement Record will list the ordinance number, date, topic, and chapter or section number of the Code affected by the amending ordinance. A periodic review of the Supplement Record and ordinances passed will assure that all ordinances amending the Code have been incorporated therein.

DISTRIBUTION OF SUPPLEMENTS

Supplements containing revised pages for insertion in each Code will be sent to the Clerk. It is the responsibility of the Clerk to see that each person having a Code of Ordinances receives each supplement so that each Code may be properly updated to reflect action of the Council in amending the Code.

AMENDING THE CODE OF ORDINANCES

The Code of Ordinances contains most of the laws of the City as of the date of its adoption and is continually subject to amendment to reflect changing policies of the Council, mandates of the State, or decisions of the Courts. Amendments to the Code of Ordinances can only be accomplished by the adoption of an ordinance.

(Code of Iowa, Sec. 380.2)

The following forms of ordinances are recommended for making amendments to the Code of Ordinances:

ADDITION OF NEW PROVISIONS

New material may require the addition of a new SUBSECTION, SECTION or CHAPTER, as follows:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LAMONI, IOWA, BY ADDING A NEW SECTION LIMITING PARKING TO THIRTY MINUTES ON A PORTION OF SOUTH BOONE STREET

BE IT ENACTED by the City Council of the City of Lamoni, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Lamoni, Iowa, is amended by adding a new Section 69.16, entitled PARKING LIMITED TO THIRTY MINUTES, which is hereby adopted to read as follows:

69.16 PARKING LIMITED TO THIRTY MINUTES. It is unlawful to park any vehicle for a continuous period of more than thirty (30) minutes between the hours of 8:00 a.m. and 8:00 p.m. on each day upon the following designated streets:

- 1. South Boone Street, on the west side, from Forest Avenue to Mason Drive.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20 __, and approved this ____ day of _____, 20 __.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20 __.

City Clerk

DELETION OF EXISTING PROVISIONS

Provisions may be removed from the Code of Ordinances by deleting SUBSECTIONS, SECTIONS or CHAPTERS as follows:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LAMONI, IOWA, BY REPEALING SECTION 65.02, SUBSECTION 5, PERTAINING TO THE SPECIAL STOP REQUIRED ON LAKE BOULEVARD

BE IT ENACTED by the City Council of the City of Lamoni, Iowa:

SECTION 1. SUBSECTION REPEALED. The Code of Ordinances of the City of Lamoni, Iowa, is hereby amended by repealing Section 65.02, Subsection 5, which required vehicles traveling south on Lake Boulevard to stop at Second Place North.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20 ____, and approved this ____ day of _____, 20 ____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20 ____.

City Clerk

MODIFICATION OR CHANGE OF EXISTING PROVISION

Existing provisions may be added to, partially deleted, or changed as follows:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LAMONI, IOWA, BY AMENDING PROVISIONS PERTAINING TO SEWER SERVICE CHARGES

BE IT ENACTED by the City Council of the City of Lamoni, Iowa:

SECTION 1. SECTION MODIFIED. Section 99.02 of the Code of Ordinances of the City of Lamoni, Iowa, is repealed and the following adopted in lieu thereof:

99.02 RATE. Each customer shall pay sewer service charges in the amount of 100 percent (100%) of the bill for water and water service attributable to the customer for the property served, but in no event less than ten dollars (\$10.00) per month.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20 ____, and approved this ____ day of _____, 20 ____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20 ____.

City Clerk

**ORDINANCES NOT CONTAINED IN THE
CODE OF ORDINANCES**

There are certain types of ordinances which the City will be adopting which do not have to be incorporated in the Code of Ordinances. These include ordinances: (1) establishing grades of streets or sidewalks. (2) vacating streets or alleys. (3) authorizing the issuance of bonds. and (4) amending the zoning map.

(Code of Iowa, Sec. 380.8)

ORDINANCE NO. ____

**AN ORDINANCE VACATING THE ALLEY LYING IN BLOCK TWO
(2) RAILROAD ADDITION TO LAMONI, IOWA**

Be It Enacted by the City Council of the City of Lamoni, Iowa:

SECTION 1. The alley lying in Block Two (2), Railroad Addition to Lamoni, Iowa, is hereby vacated and closed from public use.

SECTION 2. The Council may by resolution convey the alley described above to abutting property owners in a manner directed by the City Council.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20 __, and approved this ____ day of _____, 20 __.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20 __.

City Clerk

These ordinances should be numbered in the same numerical sequence as any other amending ordinance and placed in their proper sequence in the ordinance book.

SUGGESTED FORMS

FIRST NOTICE – DANGEROUS BUILDING

TO: (Name and address of owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) within ____ days from service of this notice or file written request for a Council hearing with the undersigned officer within said time limit.

The nuisance consists of (describe the nuisance and cite the law or ordinance) and shall be abated by (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance, as directed, or file written request for hearing within the time prescribed herein, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the cost will be assessed against you as provided by law.

Date of Notice: _____

City of Lamoni, Iowa

By: _____
(enforcement officer)

NOTICE OF HEARING ON DANGEROUS BUILDING

TO: (Name and address of the owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified that the City Council of Lamoni, Iowa, will meet on the ___ day of _____, 20___, at _____ p.m., in the Council Chambers of the City Hall, at (address of City Hall) for the purpose of considering whether or not the alleged nuisance consisting of (describe the nuisance) on your property, locally known as _____, constitutes a nuisance pursuant to Chapter _____ of the Code of Ordinances of Lamoni, Iowa, and should be abated by (state action necessary to abate the particular nuisance).

You are further notified that at such time and place you may appear and show cause why the said alleged nuisance should not be abated.

You are further notified to govern yourselves accordingly.

Date of Notice: _____

City of Lamoni, Iowa

By: _____
(enforcement officer)

**RESOLUTION AND ORDER
REGARDING DANGEROUS BUILDING**

BE IT RESOLVED, by the City Council of the City of Lamoni, Iowa:

WHEREAS, notice has heretofore been served on the ___ day of _____, 20___, on (property owner’s name), through (agent’s name or “none”), agent, to abate the nuisance existing at (legal description and address) within ___ days from service of said notice upon the said (name of owner or agent). and

(EITHER)

WHEREAS, a hearing was requested by the said (name of property owner or agent) and the same was held at this meeting and evidence produced and considered by the City Council.

(OR, ALTERNATE TO PRECEDING PARAGRAPH)

WHEREAS, the said owner (agent) named above has failed to abate or cause to be abated the above nuisance as directed within the time set, and after evidence was duly produced and considered at this meeting, and said owner has failed to file a written request for hearing, as provided, after being properly served by a notice to abate.

NOW THEREFORE, BE IT RESOLVED that the owner of said property, or said owner’s agent (name of owner or agent) is hereby directed and ordered to abate the nuisance consisting of (describe the nuisance) by (state action necessary to abate) within ___ days after the service of this Order upon said owner or agent. and

BE IT FURTHER RESOLVED that the enforcement officer be and is hereby directed to serve a copy of this Order upon the said property owner or agent named above. and

BE IT FURTHER RESOLVED that in the event the owner, or agent (name the owner or agent) fails to abate the said nuisance within the time prescribed above, then and in that event the City will abate the said nuisance and the cost will be assessed against the property and/or owner (owner’s name) at (address), as the law shall provide.

Moved by _____ to adopt.

Adopted this ___ day of _____, 20___.

Mayor

ATTEST:

City Clerk

Note: It is suggested by the blank space in the resolution that additional time be allowed the owner to abate the nuisance after the passage of the resolution before any action is taken on the part of the City to abate the same. In some instances, for the sake of public safety, the time element could be stricken from the resolution and immediate action be taken to abate the nuisance after the order is given.

NOTICE TO ABATE NUISANCE

TO: (Name and address of owner, agent, or occupant of the property on which the nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) or file written request for a hearing with the undersigned officer within (hours or days) from service of this notice.

The nuisance consists of: (describe the nuisance) and shall be abated by: (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance as directed, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.

Date of Notice: _____

City of Lamoni, Iowa

By: _____
(designate officer initiating notice)

NOTICE

REQUIRED SEWER CONNECTION

TO: _____
(Name)

(Street Address)
_____, Iowa

You are hereby notified that connection to the public sanitary sewer system is required at the following described property within _____ (____) days from service of this notice or that you must file written request for a hearing before the Council with the undersigned office within said time limit.

Description of Property

The nearest public sewer line within _____ (____) feet of the above described property is located

In the event you fail to make connection as directed, or file written request for hearing within the time prescribed herein, the connection shall be made by the City and the costs thereof assessed against you as by law provided.

Date of Notice: _____

City of Lamoni, Iowa

By: _____, _____
(Name) (Title)

RESOLUTION AND ORDER

REQUIRED SEWER CONNECTION

BE IT RESOLVED, by the City Council of the City of Lamoni, Iowa:

WHEREAS, notice has heretofore been served on the ___ day of _____, 20___, on

_____,
(Name of Property Owner)

through _____, Agent,
(Agent’s Name or “None”)

to make connection of the property described as

to the public sanitary sewer located _____
within _____ (_____) days from service of notice upon said owner or agent. and

(EITHER)

WHEREAS, a hearing was requested by the said owner or agent and the same was held at this meeting and evidence produced and considered by the City Council.

(OR AS ALTERNATE TO THE PRECEDING PARAGRAPH)

WHEREAS, the said owner or agent named above has failed to make such required connection within the time set, and after evidence was duly produced and considered at this meeting, and said owner or agent has failed to file a written request for hearing after being properly served by a notice to make such connection or request a hearing thereon.

NOW, THEREFORE, BE IT RESOLVED that the owner of said property, or said owner’s agent, _____

(Name of Owner or Agent)

is hereby directed and ordered to make such required connection within _____ days after the service of this ORDER upon said owner or agent. and

BE IT FURTHER RESOLVED that the City Clerk be and the same is hereby directed to serve a copy of this ORDER upon said property owner or agent named above. and

BE IT FURTHER RESOLVED, that in the event the owner, or agent,

_____,
(Name of Owner or Agent)

fails to make such connection within the time prescribed above, then and in that event the City will make such connection and the cost thereof will be assessed against the property and/or owner

(Owner's Name)

_____, as provided by law.
(Address)

Moved by _____ to adopt.

Seconded by _____.

AYES: _____,
_____, _____.

NAYS: _____,
_____, _____.

Resolution approved this ___ day of _____, 20__.

Mayor

ATTEST:

City Clerk