

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

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# CODE OF ORDINANCES OF THE CITY OF SPRINGVILLE, IOWA

*Adopted May 16, 2016, by Ordinance No. 10-2016*

## SUPPLEMENT RECORD

SUPPLEMENT		ORDINANCES AMENDING CODE		
Supp. No.	Repeals, Amends or Adds	Ord. No.	Date	Subject
May-16	136.03	3-2016	4-4-16	Removal of Snow and Ice and Accumulations
	91.04	4-2016	4-18-16	Location of Meters
	92.02; 92.04; 92.09	5-2016	5-2-16	Water Rates, Deposits and Deposits
	99.11	6-2016	5-2-16	Sewer Charges
	105.18	7-2016	5-2-16	Recycling and Yard Waste Fees
	105.06	8-2016	4-4-16	Separation of Yard Waste
	47.07	9-2016	5-2-16	Smoking, Tobacco, Nicotine and Electronic Smoking in Public Parks
Jul-18	165.11(4); 165.12(4); 165.13(5)	01-2017	6-5-17	Bulk Regulations for Required Yards
	Ch. 137	02-2017	12-18-17	Alley Vacation
Nov-18	92.02; 99.11; 105.18	1-2018	5-21-18	Water Rates; Sewer Service Charges; Recycling and Yard Waste Fees
	165.19	2-2018	5-21-18	M-2 Heavy Industrial District
	41.12	03-2018	6-4-18	Fireworks
	165.08	04-2018	5-21-18	Annexed Territory
	68.01; 69.03; 69.08(23)	5-2018	8-20-18	One-Way Traffic; Parking Regulations on Academy Street
	121.05	6-2018	10-15-18	Cigarette and Tobacco Permits
	69.08	7-2018	10-15-18	Parking Regulations on 5 <sup>th</sup> Street
	115.06	8-2018	11-5-18	Springville Cemetery
	105.02; 105.06	9-2019	2-4-19	Solid Waste Control and Recycling
	Ch. 165	10-2019	2-4-19	Zoning Parcel as M-2
	92.02; 99.11	11-2019	3-18-19	Water Rates; Sewer Service Charges
	Ch. 165	12-2019	4-15-19	New Zoning Map
	Ch. 165	13-2019	5-6-19	Rezoning from R-2 to R-3
	55.16	14-2019	5-20-19	Animal Protection and Control
	5.07(10, 11, 12)	15-2019	10-7-19	Conflict of Interest
	7.05	16-2019	10-7-19	Operating Budget Preparation
	23.02; 23.05; 23.09; 23.10; 23.11; 23.12	17-2019	10-21-19	Park Board
	Ch. 53	18-2019	12-2-19	Noise and Noise Limits
	16.01	1-2020	4-6-20	Mayor Pro Tem
		2-2020		Not Adopted
		3-2020		Not Adopted
		4-2020		Not Adopted

**Place in the front of the Code of Ordinances along with the  
Adopting Ordinance and Table of Contents.**

## SUPPLEMENT RECORD

SUPPLEMENT		ORDINANCES AMENDING CODE		
Supp. No.	Repeals, Amends or Adds	Ord. No.	Date	Subject
Aug-21 (Cont.)	92.02; 99.11	5-2020	5-4-20	Water Rates: Sewer Service Charges
	165.22(2)	6-2020	7-20-20	Zoning Regulations
		7-2020		Not Used
	165.03(78); 165.23(2)(H)	8-2020	11-2-20	Zoning Regulations
	18.05(2)	9-2020	11-16-20	City Clerk Regulations
	Ch. 155	10-2021	1-11-21	Building Code
	Ch. 165	11-2021	3-1-21	M-2 Heavy Industrial
	18.05(2)	12-2021	3-1-21	City Clerk Regulations
	46.02; 121.07	13-2021	3-15-21	Tobacco Use
	1.14	14-2021	3-15-21	Standard Penalty
	55.01; 55.06; 55.08(2); 55.11; 55.24; 55.25	15-2021	4-5-21	Animal Control
	52.02(11); 52.05(2)	16-2021	4-5-21	Weeds and Grasses
	Ch. 74	17-2021	5-17-21	Golf Carts
	Ch. 75	18-2021	5-17-21	All-Terrain Vehicles, Utility Vehicles, and Snowmobiles
Dec-22	Ch. 160	19-2021	5-17-21	Floodplain Management
	41.12(3); 41.12(4)	20-2021	5-17-21	Fireworks
	Ch. 165	21-2021	6-21-21	Rezoning to M-1
	92.02; 99.11	22-2021	6-21-21	Water Rates: Sewer Service Charges
	105.18	23-2021	8-2-21	Solid Waste Control and Recycling
	92.02; 99.11	1-2022	7-5-22	Water Rates; Sewer Service Charges
	Ch. 165	2-2022	10-3-22	Rezoning to A-1
	69.08	3-2022	10-17-22	Parking Regulations
	45.01; 45.02(2); 120.03; 120.04; 120.05; 120.06	4-2022	10-3-22	Alcoholic Beverage Control
	40.03; 40.04	5-2022	10-3-22	Public Disorder
	80.03; 80.04	6-2022	10-3-22	Abandoned Vehicle
	Ch. 65	7-2022	10-17-22	Stop or Yield Required
	75.03; 75.05	8-2022	10-17-22	All-Terrain Vehicles, Utility Vehicles, and Snowmobiles
	Ch. 74	9-2022	12-19-22	Operation of Golf Carts on City Streets

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# CHAPTER 1

## CODE OF ORDINANCES

1.01 Title	1.09 Catchlines and Notes
1.02 Definitions	1.10 Altering Code
1.03 City Powers	1.11 Severability
1.04 Indemnity	1.12 Warrants
1.05 Personal Injuries	1.13 General Standards for Action
1.06 Rules of Construction	1.14 Standard Penalty
1.07 Extension of Authority	1.15 Notice of Violations
1.08 Amendments	

**1.01 TITLE.** This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Springville, 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 Springville, Iowa.
3. “Clerk” means the city clerk of Springville, 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 Springville, Iowa.
6. “Council” means the city council of Springville, Iowa.
7. “County” means Linn 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 Springville, 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.<sup>†</sup>

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

*(Section 1.14 – Ord. 14-2021 – Aug. 21 Supp.)*

**1.15 NOTICE OF VIOLATIONS.** If the Clerk determines that there is probable cause to believe a violation of this Code of Ordinances has occurred, the Clerk shall either give written notice thereof to the alleged violator or file a criminal complaint against the alleged violator. If the Clerk elects to give notice to the alleged violator, the notice shall: (a) specify the alleged violation, (b) order the alleged violator to eliminate or cure the violation within 7 days after the notice is given or within such other specified period of time as is reasonable under the circumstances, and (c) advise the alleged violator of the right to have a hearing before the Council concerning the alleged violation by filing a written request therefor with the Clerk within 10 days after the notice is given. This section does not apply to any violation for a failure to pay fees when the nonpayment of said fees is addressed specifically in this Code of Ordinances.

1. Hearing on Notice. A person who receives a violation notice or notice of nonpayment of fees from the Clerk shall be entitled to a hearing before the Council concerning the alleged violation, if the alleged violator files a written request therefor with the Clerk within 10 days after being given the notice by the Clerk. Within 21 days after the filing of a request for hearing by the alleged violator, the Council shall hold the hearing and, by resolution, either affirm, modify or revoke the Clerk's proposed action. The Clerk shall promptly give notice to the alleged violator of the Council's action in the form of a certified copy of the resolution. The alleged violator shall comply with the provisions of the Clerk's order as affirmed or modified by resolution of the Council.

2. Method of Giving Notice. Any notice or demand required or permitted by this Code of Ordinances shall be sufficient and deemed given when expressed in writing and: (a) personally delivered to the person entitled thereto, or (b) deposited at the office of the United States Postal Service in the City in the form of certified mail addressed to the last known mailing address of the person entitled thereof, or (c) served on the person entitled thereto in the manner of an Original Notice under the Iowa Rules of Civil Procedure, or (d) sent by First Class mail. The manner of service of notice shall be at the discretion of the City.

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

3. Nuisances. In the event any person is in violation of this Code of Ordinances, or State or Federal law, or the regulations promulgated thereunder, or of any County ordinances or regulations, such violation shall constitute a nuisance and the City may abate the nuisance pursuant to Chapter 657 of the *Code of Iowa*, as well as in accordance with Chapter 50 of this Code of Ordinances.

[The next page is 9]

## 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 Springville, Iowa.<sup>†</sup>

**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 four 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)*

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<sup>†</sup> **EDITOR'S NOTE:** Ordinance No. 4-75 adopting a charter for the City was passed and approved by the Council on April 7, 1975, and was published on April 11, 1975.

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## CHAPTER 3

# MUNICIPAL INFRACTIONS

3.01 Municipal Infraction  
3.02 Environmental Violation  
3.03 Penalties

3.04 Civil Citations  
3.05 Alternative Relief  
3.06 Alternative Penalties

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

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

**3.02 ENVIRONMENTAL VIOLATION.** A municipal infraction 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**3.06 ALTERNATIVE PENALTIES.** This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal

penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

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

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## CHAPTER 5

# OPERATING PROCEDURES

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

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

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

1. Qualify for Office. Each elected or appointed officer shall qualify for office by taking the prescribed oath and by giving, when required, a bond. The oath shall be taken, and bond provided, after such officer is certified as elected, no later than noon of the first day 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 Springville as now or hereafter required by law."

*(Code of Iowa, Sec. 63.10)*

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

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

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

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

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

*(Code of Iowa, Sec. 64.13)*

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

*(Code of Iowa, Sec. 64.19)*

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

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

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

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

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

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

**5.04 BOOKS AND RECORDS.** All books and records required to be kept by law or ordinance shall be open to examination by the public upon request, unless some other provisions of law expressly limit such right or require such records to be kept confidential. Access to public records 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 (5%) of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.

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

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

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

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

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

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

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

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

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

*(Subsections 10-12 – Ord. 15-2019 – Nov. 19 Supp.)*

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

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

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

*(Code of Iowa, Sec. 372.15)*

**5.10 VACANCIES.** A vacancy in an elective City office during a term of office shall be filled 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/Change Fund. The finance officer shall be custodian of a petty cash/change 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, and for the purpose of making change without commingling other funds to meet the requirements of the office. At such time as the petty cash/change 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 (3) months, and

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

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

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

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

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

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

3. Submission to Council. The finance officer shall submit the completed budget proposal to the Council each year at such time as directed by the Council.

4. Resolution Establishing Maximum Property Tax Dollars. The Council shall adopt a resolution establishing the total maximum property tax dollars that may be certified for levy that includes taxes for City government purposes under *Code of*

*Iowa* Section 384.1, for the City's trust and agency fund under *Code of Iowa* Section 384.6, Subsection 1, for the City's emergency fund under *Code of Iowa* Section 384.8, and for the levies authorized under *Code of Iowa* Section 384.12, Subsections 8, 10, 11, 12, 13, 17, and 21, but excluding additions approved at election under *Code of Iowa* Section 384.12, Subsection 19.

*(Code of Iowa, Sec. 384.15A)*

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

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

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

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

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

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

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

C. At the public hearing, the Council shall receive oral or written objections from any resident or property owner of the City. After all objections have been received and considered, the Council may decrease, but not increase, the proposed maximum property tax dollar amount for inclusion

in the resolution and shall adopt the resolution and file the resolution with the County Auditor as required under *Code of Iowa* Section 384.16, Subsection 3.

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

E. If the City has an internet site, in addition to filing the resolution with the Auditor under *Code of Iowa* Section 384.16, Subsection 3, the adopted resolution shall be posted and clearly identified on the City's internet site for public viewing within 10 days of approval by the Council. The posted resolution for a budget year shall continue to be accessible for public viewing on the internet site along with resolutions posted for all subsequent budget years.

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

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

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

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

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

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

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

***(Section 7.05 – Ord. 16-2019 – Nov. 19 Supp.)***

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

*(Code of Iowa, Sec. 384.18)*

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

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

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

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

3. Activity Transfer. Any transfer of appropriation from one activity to another activity within a program must be approved by a majority 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. Two signatures are required on all City checks. Checks shall be prenumbered and signed by any two of the following: the Clerk, Deputy Clerk, Mayor and a Council Member, 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.

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

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

1. Monthly Reports. There shall be submitted to the Council 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**

# **URBAN REVITALIZATION**

### **EDITOR'S NOTE**

Ordinance No. 4-2011, adopted November 21, 2011, designated the Springville Residential Urban Revitalization Area for the City. This ordinance, not codified herein, is specifically saved from repeal.

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## **ADMINISTRATION, BOARDS AND COMMISSIONS**

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## CHAPTER 15

### MAYOR

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

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

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

1. Chief Executive Officer. Act as the chief executive officer of the City and presiding officer of the Council, supervise all departments of the City, 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 14 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 following officials:

*(Code of Iowa, Sec. 372.4)*

1. Mayor Pro Tem
2. Library Board of Trustees (with approval of the Council)
3. Park Board (with approval of the Council)
4. Fire Chief (with approval of the Council)

**15.04 COMPENSATION.** The salary of the Mayor is thirty-five hundred dollars (\$3,500.00) per year. The Mayor shall also be compensated fifty dollars (\$50.00) for each pre-approved day of City-related training attended.

*(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 for a term of two (2) years as vice president of the Council.

*(Ord. 1-2020 – Aug. 21 Supp.)*

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

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

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

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

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

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

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

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## CHAPTER 17

### CITY COUNCIL

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

17.04 Council Meetings  
17.05 Appointments  
17.06 Compensation

**17.01 NUMBER AND TERM OF COUNCIL.** The Council consists of 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 one hundred thousand dollars (\$100,000.00) on a public improvement project, or to accept public improvements and facilities upon their completion. Each Council member's vote on a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

*(Code of Iowa, Sec. 380.4)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Regular Meetings. The 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 Clerk
2. City Attorney
3. Zoning Board of Adjustment
4. Planning and Zoning Commission
5. Zoning Administrator

**17.06 COMPENSATION.** The salary of each Council member is fifty dollars (\$50.00) for each meeting of the Council or pre-approved day of City-related training attended.  
*(Code of Iowa, Sec. 372.13[8])*

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## CHAPTER 18

### CITY CLERK

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

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

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

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

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

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

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

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

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

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

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

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

2. Manner of Publication. A publication required by this Code of Ordinances or law must be in a newspaper published at least once weekly and having general circulation in the City, except that ordinances and amendments may be published by posting in the following places:

City Hall  
Springville Memorial Library  
U. S. Post Office

The Clerk is hereby directed to post promptly such ordinances and amendments, and to leave them so posted for not less than ten (10) days after the first date of posting. Unauthorized removal of the posted ordinance or amendment prior to the completion of the ten days shall not affect the validity of said ordinance or amendment. The Clerk shall note the first date of such posting on the official copy of the ordinance and in the official ordinance book immediately following the ordinance.

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

*(Subsection 2 – Ord. 12-2021 – Aug. 21 Supp.)*

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

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

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

*(Code of Iowa, Sec. 380.11)*

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

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

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

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

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

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

*(Code of Iowa, Sec. 372.13[3 and 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 and 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 "SPRINGVILLE, IOWA," and around the margin of which are the words "CITY SEAL."

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## CHAPTER 19

### CITY TREASURER

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

**19.03 Duties of Treasurer**

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

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

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

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

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## CHAPTER 20

### CITY ATTORNEY

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

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

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

**20.02 ATTORNEY FOR CITY.** The City Attorney shall act as attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission, or board, except at such times a specialized attorney is needed for matters pertaining to bond issuance, labor negotiations, TIF, nuisance abatement, etc. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or Council. The use of any new attorney deemed necessary shall be approved by the 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 assist as needed in the preparation of 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 or Council.

*(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

### LIBRARY BOARD OF TRUSTEES

21.01 Public Library	21.07 Nonresident Use
21.02 Library Trustees	21.08 Expenditures
21.03 Qualifications of Trustees	21.09 Annual Report
21.04 Organization of the Board	21.10 Injury to Books or Property
21.05 Powers and Duties	21.11 Theft
21.06 Contracting with Other Libraries	21.12 Notice Posted

**21.01 PUBLIC LIBRARY.** The public library for the City is known as the Springville Memorial Library. It is referred to in this chapter as the Library.

**21.02 LIBRARY TRUSTEES.** The Board of Trustees of the Library, hereinafter referred to as the Board, consists of five resident members and two nonresident members. All resident members are to be appointed by the Mayor with the approval of the Council. The nonresident members are to be appointed by the Mayor with the approval of the County Board of Supervisors. <sup>†</sup>

**21.03 QUALIFICATIONS OF TRUSTEES.** All resident members of the Board shall be bona fide citizens and residents of the City. The nonresident members of the Board shall be bona fide citizens and residents of the unincorporated County. Members shall be over the age of eighteen (18) years.

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

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

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

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<sup>†</sup> **EDITOR'S NOTE:** Pursuant to an election held November 7, 2006, the number of Library Board members was increased from 5 to 7.

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

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

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

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

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

**21.07 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.

**21.08 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. The check-writing officer is the Clerk.

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

**21.09 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.

**21.10 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)*

**21.11 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)*

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

1. Failure To Return. Failure to return Library materials for two (2) months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one 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 22

### PLANNING AND ZONING COMMISSION

22.01 Planning and Zoning Commission  
22.02 Term of Office  
22.03 Vacancies

22.04 Compensation  
22.05 Powers and Duties

**22.01 PLANNING AND ZONING COMMISSION.** The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of five (5) members appointed by the Council. The Commission members shall be residents of the City and shall not hold any elective office in the City government.

*(Code of Iowa, Sec. 414.6 & 392.1)*

**22.02 TERM OF OFFICE.** The term of office of the members of the Commission shall be five (5) years. The terms of not more than one-third of the members will expire in any one year.

*(Code of Iowa, Sec. 392.1)*

**22.03 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)*

**22.04 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)*

**22.05 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.

*(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 of Improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any

permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the Commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

8. 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)*

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

*(Code of Iowa, Sec. 392.1)*

## CHAPTER 23

### PARK BOARD

23.01 Park Board Created  
23.02 Organization  
23.03 Compensation  
23.04 Duties  
23.05 Reports  
23.06 Regulatory Authority

23.07 Violation; Penalty  
23.08 Duration  
23.09 Park Property and Equipment  
23.10 Gifts  
23.11 Suggestions to the Council  
23.12 Council Authority

**23.01 PARK BOARD CREATED.** A Park Board is hereby created to advise the Council on the needed facilities to provide open space such as parks, playgrounds and community facilities for the recreational use of the residents of the City.

**23.02 ORGANIZATION.** The Park Board is composed of five (5) members. Four (4) members must be resident members and one (1) member may be a non-resident member. Said non-resident member must reside within the Springville School District. All members five (5) are to be appointed by the Mayor, with approval of the Council for overlapping two-year terms. The Park Board members shall not hold any elective office in the City government. The Board shall annually choose from its membership a Chairperson, Vice Chairperson, and Secretary.  
*(Ord. 17-2019 – Nov. 19 Supp.)*

**23.03 COMPENSATION.** All members of the Board shall serve without compensation except their actual expenses which shall be subject to the approval of the Council.

**23.04 DUTIES.** The Board shall have the authority over the properties and personnel devoted to parks, subject to the limitation of expenditures set forth in the annual budget provided by the Council for park operation, and it shall cooperate with the Mayor in the allotment of time of City employees for park purposes. The Chairperson shall order the supplies by the procedures established by the Council for all departments of the City, and payment will be made by warrant/check by the Clerk for invoices submitted and approved by the Board.

**23.05 REPORTS.** The Board shall make quarterly reports to the Council of its activities, or as it deems advisable or upon request by the Council. Its revenues and expenditures shall be reported monthly by the City Clerk in the manner of other departmental expenditures in the Clerk's report to the Council, and a copy shall be provided to each member of the Board, upon request.  
*(Ord. 17-2019 – Nov. 19 Supp.)*

**23.06 REGULATORY AUTHORITY.** The Board shall have the power to make rules and regulations for the use of the park, subject to the approval of the rules by the Council. Such rules shall either be posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public.

**23.07 VIOLATION; PENALTY.** Violation of a Board rule which has been approved by the Council and adopted by ordinance may be cause for denial of use of a facility, but such denial which extends more than one day may be appealed to the Board or to the Council for a hearing. The violation may be prosecuted as a misdemeanor if a serious offense.

**23.08 DURATION.** This ordinance amendment shall be re-examined for its viability at the time of codification of City ordinances (every 5 years).

**23.09 PARK PROPERTY AND EQUIPMENT.** All property and equipment purchased by the Park Board when not in use shall be stored on City property. *(Ord. 17-2019 – Nov. 19 Supp.)*

**23.10 GIFTS.** The Board shall have the authority to accept gifts in the name of the City of real or personal property or mixed property and devises and bequests, including trust funds, executed deeds and bills of sale for the conveyance of such property. Title to all property shall be taken in the name of the City and all moneys shall be deposited with the City Clerk and credited to the Parks account. *(Ord. 17-2019 – Nov. 19 Supp.)*

**23.11 SUGGESTIONS TO THE COUNCIL.** The Council may request suggestions from the Board and/or citizens as are interested in such development, and particularly in the welfare of children of the City, and shall carefully consider such suggestions, and shall thereafter determine and promulgate the rules and regulations which shall govern in the operation and management of the City's parks and recreation facilities. Such rules shall be either posted on the facility or be otherwise publicized in a manner to provide adequate notice to the using public. Violation of a rule or regulation so posted or publicized may be cause for denial of use or the facility or if it is a violation of this Code of Ordinances may be prosecuted as a simple misdemeanor. Such rules and regulations may thereafter be modified and changed from time to time by the Council. *(Ord. 17-2019 – Nov. 19 Supp.)*

**23.12 COUNCIL AUTHORITY.** All final authority over the administration and policy of the Parks Board shall be retained and exercised by the City Council. *(Ord. 17-2019 – Nov. 19 Supp.)*

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## **POLICE, FIRE AND EMERGENCIES**

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## **CHAPTER 30**

# **CONTRACT LAW ENFORCEMENT**

**30.01 CONTRACT LAW ENFORCEMENT.** The Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City, and the Sheriff or such other entity shall have and exercise the powers and duties as provided in said contract and as required by law or ordinance.

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

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## CHAPTER 35

### FIRE DEPARTMENT

35.01 Establishment and Purpose  
35.02 Organization  
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35.14 First Responders Service  
35.15 Firefighters and Emergency Response Personnel Association  
35.16 Personnel Policies, Procedures and Guidelines

**35.01 ESTABLISHMENT AND PURPOSE.** An emergency response department is hereby established to prevent and extinguish fire and to protect lives and property against fires, to promote fire prevention and fire safety, and to respond to medical emergencies and other emergencies as enumerated in the Fire Department's standard operating procedures. The department shall be known as Springville Fire and Rescue.

*(Code of Iowa, Sec. 364.16)*

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

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

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

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

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

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

**35.05 ELECTION OF OFFICERS.** The Mayor shall appoint the Fire Chief for a term of 3 years or to fill a vacancy. The Mayor may remove, suspend or demote the Fire Chief for neglect of duty, disobedience, misconduct or failure to properly perform the duties of Chief by written order, setting out the reasons for removal which shall be filed with the City Clerk, and shall, upon request in writing filed with the Clerk by the Chief, hold a public hearing on the proposed action.

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

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

9. Right of Entry. Have the right, during reasonable hours, to enter any building or premises within the Fire Chief's jurisdiction for the purpose of making such investigation or inspection 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.

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

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

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

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

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

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

**35.11 CALLS OUTSIDE FIRE DISTRICT.** The department shall answer calls to fires and other emergencies outside the Fire District if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the Fire District. The department may answer such calls so long as the governmental unit wherein the emergency or fire exists has a reciprocity agreement with the City, either formal or informal, or a past history of providing assistance to the City's fire department on fires or emergencies within the corporate limits.

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

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

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

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

*(Code of Iowa, Sec. 100.41)*

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

**35.15 FIREFIGHTERS AND EMERGENCY RESPONSE PERSONNEL ASSOCIATION.** The City recognizes the association and nonprofit corporation established by the firefighters and emergency response personnel as a partner in promoting the welfare of emergency responders, fire prevention activities, the enhancement of emergency response capabilities for the City and surrounding areas and the performance of civic, social and fund raising activities as specified in association and corporation articles of incorporation.

**35.16 PERSONNEL POLICIES, PROCEDURES AND GUIDELINES.** Springville Fire and Rescue Personnel Policies, Procedures and Guidelines are adopted and kept on file at City Hall.

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## CHAPTER 36

# HAZARDOUS SUBSTANCE SPILLS

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

36.05 Notifications  
36.06 Police Authority  
36.07 Liability

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**36.05 NOTIFICATIONS.**

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

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

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

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

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

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## CHAPTER 37

# DISASTER RECOVERY AND RECONSTRUCTION

37.01 Authority  
37.02 Purposes  
37.03 Definitions  
37.04 Recovery Organization  
37.05 Recovery Plan  
37.06 General Provisions

37.07 Temporary Regulations  
37.08 Demolition of Damaged Buildings  
37.09 Temporary and Permanent Housing  
37.10 Hazard Mitigation Program  
37.11 Recovery and Reconstruction Strategy

**37.01 AUTHORITY.** The ordinance codified by this chapter is adopted by the Linn County Board of Supervisors and the respective City Councils acting under authority of the City Municipal Code, State Code 29C, Emergency Management and all applicable Federal laws and regulations.

**37.02 PURPOSES.** It is the intent of the Linn County Board of Supervisors and the respective City Councils under this chapter to:

- authorize creation of an organization to plan and prepare in advance of a major disaster for orderly and expeditious post-disaster recovery and to direct and coordinate recovery and reconstruction activities;
- direct the preparation of a pre-event plan for post-disaster recovery and reconstruction to be updated on a continuing basis;
- authorize in advance of a major disaster the exercise of certain planning and regulatory powers related to disaster recovery and reconstruction to be implemented upon declaration of a local emergency;
- identify means by which the County and the cities will take cooperative action with other governmental entities in expediting recovery; and
- implement means by which the County and the cities will consult with and assist citizens, businesses and community organizations during the planning and implementation of recovery and reconstruction procedures.

**37.03 DEFINITIONS.** As used in this chapter, the following definitions shall apply:

1. “Assessed value” means the value of a property, building, or other structure routinely assessed by the County or City Assessor for tax purposes. The assessed value will be the pre-event value of the property as reflected in the Assessor’s records at the time of the disaster event, unless extenuating circumstances can be established and approved by the Assessor.
2. “Building Official” means the person at the County or municipal level authorized to enforce established building codes.
3. “Chair” means the Chair of the Recovery Organization or an authorized representative and/or the Chair of the Recovery Task Force.
4. “Damage assessment survey” means a field survey to determine levels of damage for structures and/or to post placards designating the condition of structures.

5. “Development moratorium” means a temporary hold, for a defined period of time, on the issuance of building permits, approval of land use applications or other permits and entitlements related to the use, development, and occupancy of private property in the interests of protection of life and property.
6. “Disaster Assistance Centers” (DACs) means multi-agency centers organized by FEMA for coordinating assistance to disaster victims.
7. “Disaster Field Office” (DFO) means a center established by FEMA for coordinating disaster response and recovery operations, staffed by representatives of Federal, State and local agencies as identified in the Federal Response Plan (FRP) and determined by disaster circumstances.
8. “Disaster Survey Report” (DSR) means a claim by a local jurisdiction for financial reimbursement for repair or replacement of a public facility damaged in a major disaster, as authorized under the *Stafford Act* and related Federal regulations, plans and policies.
9. “Emergency” means a local emergency, as defined by the *Code of Iowa*, which has been declared by the Board of Supervisors and the Mayor or Mayors of the affected municipalities for a specific disaster and that has not been terminated.
10. “Event” means any natural, manmade, or civil occurrence, which results in the declaration of a state of emergency and includes tornadoes, fires, floods, winter storms, or hazardous material releases, as referenced in the Hazard Mitigation Plan.
11. “Federal Response Plan” (FRP) means a plan prepared by FEMA and over two dozen other Federal departments and agencies to coordinate efforts of a large number of Federal, State and local agencies in providing response and recovery assistance in an expeditious manner.
12. “Flood Insurance Rate Map” (FIRM) means a map showing the outer boundaries of the floodway and floodplain as determined by the Flood Insurance Administration through the National Flood Insurance Program.
13. “Hazard Mitigation Grant Program” means a program for assistance to Federal, State and local agencies whereby a grant is provided by FEMA as an incentive for implementing mutually desired mitigation programs, as authorized by the *Stafford Act* and related Federal regulations, plans and policies.
14. “Hazard mitigation plan” means a plan, which addresses protection of the community from unreasonable risks, associated with the effects of earthquakes, landslides, flooding, wild-land and urban fires, wind, coastal erosion and other natural and technological disasters. This plan will be incorporated into the Linn County Multi-Hazard Emergency Operations Plan.
15. “Historic building or structure” means any building or structure included on the National Register of Historic Places, the State Register of Historic Places or points of interest, or a local register of historic places.
16. “Individual assistance program” means a program for providing small grants to individuals and households affected by a disaster to offset loss of equipment, damage to homes, or the cost of relocation to another home, as authorized under the *Stafford Act* and related Federal regulations.
17. “In-kind” means the same as the prior building or structure in size, height and shape, type of construction, number of units, general location, and appearance.

18. “Major disaster” means a locally declared emergency also proclaimed as a state of emergency by the Governor of the State and by the President of the United States.

19. “Multi-Agency Hazard Mitigation Team” means a team of representatives from FEMA, other Federal agencies, State emergency management agencies and related State and local agencies, formed to identify, evaluate and report on post-disaster mitigation needs.

20. “Public assistance program” means a program for providing reimbursement to Federal, State and local agencies and nonprofit organizations for repair and replacement of facilities lost or damaged in a disaster, as authorized under the *Stafford Act* and related Federal regulations, plans and policies.

21. “Reconstruction” means the rebuilding of permanent replacement housing, construction of large-scale public or private facilities badly damaged or destroyed in a major disaster, addition of major community improvements, and full restoration of a healthy economy.

22. “Recovery organization” means an interdepartmental organization, which coordinates staff actions in planning and implementing disaster recovery and reconstruction functions.

23. “Recovery Plan” means a pre-event plan for post-disaster recovery and reconstruction comprised of policies, plans, implementation actions and designated responsibilities related to expeditious and orderly post-disaster recovery and rebuilding, as well as long-term mitigation.

24. “Recovery Strategy” means a post-disaster strategic program identifying and prioritizing major actions contemplated or under way regarding such essential recovery functions as business resumption, economic reinvestment, industrial recovery, housing replacement, infrastructure restoration and potential sources of financing to support these functions.

25. “Recovery” means the process by which most of private and public buildings and structures not severely damaged or destroyed in a major disaster are repaired and most public and commercial services are restored to normal.

26. “*Stafford Act*” means the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Public Law 93-288, as amended).

**37.04 RECOVERY ORGANIZATION.** There is hereby identified the Recovery Organization for the purpose of coordinating County and City actions in planning and implementing disaster recovery and reconstruction activities. The Recovery Organization will be the existing Linn County Emergency Management Commission. This Commission is constituted under the provisions of Section 29C.9 of the *Code of Iowa* and is comprised of a member of the Board of Supervisors, the Sheriff, and the Mayor of each municipality or designated representative. The Commission is already charged to oversee multi-hazard emergency planning, response, mitigation, and recovery actions.

1. Powers and Duties. The Recovery Organization shall have such powers as enable it to carry out the purposes, provisions, and procedures of this chapter, as identified in this chapter.

2. Recovery Task Force. The Recovery Organization shall include a Recovery Task Force comprised of the following officers and members:

- The Chair of the Linn County Board of Supervisors shall be Acting Chair. The Acting Chair shall call the initial meeting of the Recovery Task Force. At the initial meeting, the members will elect the Chair and Vice Chair. The other members of the Recovery Task Force will be the Mayors of each affected municipal jurisdiction.
- The Vice Chair of the Board of Supervisors, the Mayor Pro-Tempore or City Manager may act in the absence of the Chair of the Board of Supervisors, or Mayor of the affected jurisdiction.
- The County and affected City Attorneys who shall be Legal Advisers as requested by their respective elected officials.
- Other supporting staff may include the County and affected City Building Officials, County and affected City Engineers, Community Development/Planning Director, Fire Chiefs, Emergency Management Director, General Services Directors, Sheriff, Police Chiefs, Public Works Directors, Utilities Director, together with representatives from such other departments and offices as may be deemed necessary by the Chair for effective operations.

In the actions of the Recovery Task Force, each jurisdiction will have one vote.

3. Operations and Meetings. The Chair of the Emergency Management Commission shall have responsibility for Recovery Organization operations. When an emergency declaration is not in force, the Recovery Organization shall meet monthly or more frequently, upon call of the Chair of the Emergency Management Commission. After a declaration of an emergency and for the duration of that declared emergency period, the Recovery Task Force shall meet daily or as frequently as determined by the Task Force Chair.

4. Succession. In the absence of the Chair of either the Recovery Organization or Recovery Task Force, the Vice Chair shall serve as Acting Chair of the respective organization and shall be empowered to carry out the duties and responsibilities of the Chair.

5. Organization. The Recovery Task Force may create such standing or ad hoc committees as determined necessary by the Chair.

6. Relation to Emergency Management Organization. The Recovery Organization shall be the Linn County Emergency Management Commission, which has interrelated functions and similar membership. The Emergency Management Director should be considered for any staff support as deemed necessary.

**37.05 RECOVERY PLAN.** Before a major disaster, the Recovery Organization shall prepare a pre-event plan for post-disaster recovery and reconstruction, referred to as the Recovery Plan, which shall be comprised of pre-event and post-disaster policies, plans, implementation actions, and designated responsibilities related to expeditious and orderly post-disaster recovery, rebuilding, and long-term hazard mitigation.

1. Recovery Plan Content. The Recovery Plan shall address policies, implementation actions and designated responsibilities for such subjects as business resumption, damage assessment, demolitions, debris removal and storage, expedited repair permitting, fiscal reserves, hazards evaluation, hazard mitigation, historical buildings, illegal buildings and uses, moratorium procedures, nonconforming buildings and uses, rebuilding plans, redevelopment procedures, relation to emergency

response plan and comprehensive general plan, restoration of infrastructure, restoration of standard operating procedures, temporary and replacement housing, and such other subjects as may be appropriate to expeditious and wise recovery.

2. Coordination of Recovery Plan with FEMA and Other Agencies. The Recovery Plan shall identify relationships of planned recovery actions with those of State, Federal or mutual aid agencies involved in disaster recovery, including but not limited to the Federal Emergency Management Agency (FEMA), the American Red Cross, the Department of Housing and Urban Development (HUD), the Small Business Administration (SBA), the Environmental Protection Administration (EPA), the Department of Transportation (DOT), the U.S. Army Corps of Engineers (COE), the Iowa Emergency Management Division (IEMD) and other entities which may provide assistance in the event of a major disaster. The Recovery Organization shall distribute a draft copy of the plan to such agencies in sufficient time for comment prior to action on the Recovery Plan by the County Board of Supervisors and the respective City Councils.

3. Recovery Plan Adoption. Following formulation, the Recovery Plan shall be submitted by the Recovery Organization for review and approval. The Recovery Organization shall hold one or more public hearings to receive comments from the public on the Recovery Plan. Following one or more public hearings, the Recovery Organization may adopt the Recovery Plan by resolution, including any modifications deemed appropriate, or transmit the plan back to the Recovery Plan Development subcommittee for further modification prior to final action.

4. Recovery Plan Implementation. The Recovery Task Force shall be responsible for coordinating the implementation of the plan after a major disaster. The coordination of the recovery effort will be the responsibility of the Task Force, while the implementation of the recovery effort shall be the responsibility of the affected jurisdiction. After a declaration of emergency in a major disaster, the Chair of the Recovery Task Force shall report to the Recovery Organization as often as necessary on implementation actions taken in the post-disaster setting, identify policy and procedural issues, and receive direction and authorization to proceed with plan modifications necessitated by specific circumstances.

5. Recovery Plan Training and Exercises. The Recovery Organization shall organize and conduct periodic training and exercises annually, or more often as necessary, in order to develop, convey and update the contents of the Recovery Plan. Such training and exercises will be conducted in coordination with similar training and exercises related to the County Multi-Hazard Emergency Operations Plan.

6. Recovery Plan Consultation with Citizens. The Recovery Organization shall schedule and conduct community meetings, periodically convene advisory committees comprised of representatives of homeowner, business, and community organizations, or implement such other means as to provide information and receive input from members of the public regarding preparation, adoption, or amendment of the Recovery Plan.

7. Recovery Plan Amendments. During implementation of the Recovery Plan, the Recovery Organization shall address key issues, strategies, and information bearing on the orderly maintenance and periodic revision of the plan. In preparing modifications to the plan, the Recovery Organization shall consult with County and City departments, business and community organizations and other government entities to obtain information pertinent to possible Recovery Plan amendments.

8. Recovery Plan Coordination with Related Plans. The Recovery Plan shall be prepared in coordination with related elements of the Linn County Multi-Hazard Emergency Operations Plan, or such other plans as may be pertinent. Such related plan elements shall be periodically amended by the Emergency Management Commission to be consistent with key provisions of the Recovery Plan and vice versa.

**37.06 GENERAL PROVISIONS.** The following general provisions shall be applicable to implementation of this chapter following a major disaster:

1. Powers and Procedures. Following a declaration of local emergency in a major disaster and while such declaration is in force, the Recovery Task Force shall have authority to exercise powers and procedures authorized by this chapter, subject to extensive modification or replacement of all or portions of these provisions by separate ordinances adopted by the Board of Supervisors and affected City Councils.

2. Post-Disaster Operations. The Recovery Task Force shall coordinate post-disaster recovery and reconstruction operations with the local jurisdictions, which operations may include but are not limited to the following:

A. Activate and deploy damage assessment teams to identify damaged structures and to determine further actions that should be taken regarding such structures;

B. Activate and deploy hazards evaluation teams to locate and determine the severity of natural or technological hazards, which may influence the location, timing and procedures for repair and rebuilding processes;

C. Maintain liaison with the Linn County Emergency Operations Center (EOC) and other public and private entities, such as the American Red Cross and the State Emergency Management Division, in providing necessary information on damaged and destroyed buildings or infrastructure, natural and technological hazards, street and utility restoration priorities, temporary housing needs and similar recovery concerns;

D. Establish “one-stop” field offices located in or near impacted areas, staffed by trained personnel from appropriate departments, to provide information about repair and rebuilding procedures, issue repair and reconstruction permits, and provide information and support services on such matters as business resumption, industrial recovery, and temporary and permanent housing;

E. Activate streamlined procedures to expedite repair and rebuilding of properties damaged or destroyed in the disaster;

F. Recommend to the Board of Supervisors and the affected City Councils and other appropriate entities necessary actions for reconstruction of damaged infrastructure; prepare plans and proposals for action by the Board of Supervisors and affected City Councils for redevelopment projects, redesign of previously established projects or other appropriate special measures addressing reconstruction of heavily damaged areas;

G. Formulate proposals for action by the Board of Supervisors and affected City Councils to amend the Linn County Multi-Hazard Emergency Operations Plan and other relevant pre-disaster plans, programs and regulations in response to new needs generated by the disaster;

- H. Such other recovery and reconstruction activities identified in the Recovery Plan or by this chapter, or as deemed by the Recovery Task Force as necessary to public health, safety and well-being.
3. Coordination with FEMA and Other Agencies. The Recovery Task Force shall coordinate recovery and reconstruction actions with those of State, Federal or mutual aid agencies involved in disaster response and recovery, including but not limited to the Federal Emergency Management Agency (FEMA), the American Red Cross, the Department of Housing and Urban Development (HUD), the Small Business Administration (SBA), The U.S. Army Corps of Engineers (COE), the State Emergency Management Division and other entities which provide assistance in the event of a major disaster. Intergovernmental coordination tasks may include but are not limited to the following:
- A. Assign trained personnel to provide information and logistical support to the FEMA Disaster Field Office; supply personnel to provide information support for FEMA Disaster Assistance Centers (DACs);
  - B. Participate in damage assessment surveys conducted in cooperation with FEMA and other entities; participate in the Multi-Agency Hazard Mitigation Team with FEMA and other entities;
  - C. Cooperate in the joint establishment with other agencies of one-stop service centers for issuance of repair and reconstruction permits, business resumption support, counseling regarding temporary and permanent housing, and other information regarding support services available from various governmental and private entities;
  - D. Coordinate within City government the preparation and submittal of Disaster Survey Reports (DSRs) to FEMA; determine whether damaged structures and units are within flood plains identified on Flood Insurance Rate Map (FIRM) maps and whether substantial damage has occurred;
  - E. Implement such other coordination tasks as may be required under the specific circumstances of the disaster.
4. Consultation with Residents. The Recovery Task Force shall schedule and conduct community meetings, convene ad hoc advisory committees comprised of representatives of business and community organizations, or implement such other means as to provide information and receive input from members of the public regarding measures undertaken under the authority of this chapter.

**37.07 TEMPORARY REGULATIONS.** The Recovery Task Force shall provide consultation on the local authority to administer the provisions of this section, temporarily modifying provisions of the County and Municipal Codes dealing with building and occupancy permits, demolition permits, and restrictions on the use, development or occupancy of private property, provided that such action, in the opinion of the Recovery Task Force, is reasonably justifiable for protection of life and property, mitigation of hazardous conditions, avoidance of undue displacement of households or businesses, or prompt restoration of public infrastructure. This consultation or coordination is to reduce conflicting guidance from multiple jurisdictions.

1. Duration. The provisions of this section shall be in effect for a period of six months from the date of a local emergency declaration following a major disaster or until termination of the local emergency declaration, whichever occurs earlier, or until

these provisions are extended, modified, replaced by new provisions, or terminated, in whole or in part, by action of the Board of Supervisors and affected City Councils through separate ordinances.

2. Damage Assessment. The Recovery Task Force shall coordinate damage assessment teams having authority to conduct field surveys of damaged structures and post placards designating the condition of such structures as follows:

A. Inspected – Lawful Occupancy Permitted (GREEN TAG). Is to be posted on any building in which no apparent structural hazard has been found. This does not mean there are not other forms of damage, which may temporarily affect occupancy.

B. Restricted (YELLOW TAG). Is to be posted on any building in which damage has resulted in some form of restriction to continued occupancy. The individual posting this placard shall note in general terms the type of damage encountered and shall clearly and concisely note the restrictions on continued occupancy.

C. Unsafe – Do Not Enter or Occupy (RED TAG). Is to be posted on any building that has been damaged to the extent that continued occupancy poses a threat to life safety. Buildings posted with this placard shall not be entered under any circumstances except as authorized in writing by the department that posted the building or by authorized members of damage assessment teams. The individual posting this placard shall note in general terms the type of damage encountered. This placard is not to be considered a demolition order.

D. Substantial Damage (BLUE TAG). Is a supplemental placard, usually issued by the jurisdiction Flood Plain Manager for flood related damages.

The chapter and section number, the name of the department, its address, and phone number shall be permanently affixed to each placard. Once a placard has been attached to a building, it shall not be removed, altered, or covered until done so by an authorized representative of the department or upon written notification from the department. Failure to comply with this prohibition will be considered a misdemeanor punishable by a \$500 fine.

3. Development Moratorium. The Recovery Task Force shall coordinate the affected jurisdictions having the authority to establish a moratorium on the issuance of building permits, approval of land use applications or other permits and entitlements related to the use, development and occupancy of private property authorized under other chapters and sections of the County and Municipal Codes and related ordinances, provided that, in the opinion of the Recovery Task Force, such action is reasonably justifiable for protection of life and property and subject to the following:

A. Posting. Notice of the moratorium shall be posted in a public place and shall clearly identify the boundaries of the area in which a moratorium is in effect as well as the exact nature of the development permits or entitlements which are temporarily held in abeyance.

B. Duration. The moratorium shall be in effect subject to review by the Board of Supervisors and the affected City Councils at the earliest possible

time, but for no longer than 90 days, at which time the Council shall take action to extend, modify or terminate such moratorium by separate ordinance.

4. Debris Clearance. The Recovery Task Force shall coordinate with the jurisdictions having the authority to remove from public rights-of-way debris and rubble, trees, damaged or destroyed cars, trailers, equipment, and other private property, without notice to owners, provided that in the opinion of the Task Force such action is reasonably justifiable for protection of life and property, provision of emergency evacuation, assurance of fire-fighting or ambulance access, mitigation of otherwise hazardous conditions, or restoration of public infrastructure. This action is to facilitate a coordinated course of action that will meet the immediate needs of the community and to address resource allocation to accomplish the task in the most efficient manner.

5. One-Stop Center for Permit Expediting. The Recovery Task Force shall coordinate the establishment of one-stop centers, staffed by representatives of pertinent departments, for the purpose of establishing and implementing streamlined permit processing to expedite repair and reconstruction of buildings, and to provide information support for provision of temporary housing and encouragement of business resumption and industrial recovery. The Recovery Task Force shall coordinate such centers and procedures in coordination with other governmental entities, which may provide services and support, such as FEMA, SBA, HUD, COE or the State Emergency Management Division.

6. Temporary Use Permits. The Recovery Task Force shall coordinate with the jurisdictions having the authority to issue permits in any zone for the temporary use of property, which will aid in the immediate restoration of an area adversely impacted by a major disaster, subject to the following provisions:

A. Critical Response Facilities. Any police, fire, emergency medical or emergency communications facility which will aid in the immediate restoration of the area may be permitted in any zone for the duration of the declared emergency.

B. Other Temporary Uses. Temporary use permits may be issued in any zone, with conditions, as necessary, provided written findings are made establishing a factual basis that the proposed temporary use:

- (1) Will not be detrimental to the immediate neighborhood;
- (2) Will not adversely affect the Comprehensive General Plan or any applicable specific plan; and
- (3) Will contribute in a positive fashion to the reconstruction and recovery of areas adversely impacted by the disaster.

Temporary use permits may be issued for a period of one year following the declaration of local emergency and may be extended for an additional year, to a maximum of two years from the declaration of emergency, provided such findings are determined to be still applicable by the end of the first year. If, during the first or the second year, substantial evidence contradicting one or more of the required findings comes to the attention of the Recovery Task Force, then the temporary use permit shall be revoked.

7. Temporary Repair Permits. Following a disaster, temporary emergency repairs to secure structures and property damaged in the disaster against further

damage or to protect adjoining structures or property may be made without fee or permit where such repairs are not already exempt under other chapters of the County and Municipal Codes. The Building Official must be notified of such repairs within ten working days, and regular permits with fees may then be required.

8. **Deferral of Fees for Reconstruction Permits.** Except for temporary repairs issued under provisions of this chapter, all other repairs, restoration, and reconstruction of buildings damaged or destroyed in the disaster shall be approved through permit under the provisions of other chapters of this Code. Fees for such repair and reconstruction permits may be deferred until issuance of certificates of occupancy.

9. **Nonconforming Buildings and Uses.** Buildings damaged or destroyed in the disaster which are legally nonconforming as to use, yards, height, number of stories, lot area, floor area, residential density, parking or other provisions of the zoning ordinance may only be repaired, reconstructed, or replaced in conformance with adopted building or zoning regulations.

**37.08 DEMOLITION OF DAMAGED BUILDINGS.** The Recovery Task Force shall coordinate with the jurisdictions having authority to order the condemnation and demolition of historic buildings and structures damaged in the disaster under the standard provisions of the County and Municipal Codes.

**37.09 TEMPORARY AND PERMANENT HOUSING.** The Recovery Task Force shall assign staff to work with FEMA, SBA, HUD, COE, the State Emergency Management Division and other appropriate governmental and private entities to identify special programs by which provisions can be made for temporary or permanent replacement housing which will help avoid undue displacement of people and businesses. Such programs may include deployment of mobile homes and mobile home parks under the temporary use permit procedures provided in Section 37.07 of this chapter, use of SBA loans and available Section 37.08 and Community Development Block Grant funds to offset repair and replacement housing costs, and other initiatives appropriate to the conditions found after a major disaster.

**37.10 HAZARD MITIGATION PROGRAM.** Prior to a major disaster, the Emergency Management Commission/Recovery Organization shall establish a comprehensive hazard mitigation program, which includes both long-term and short-term components:

1. **Hazard Mitigation Plan.** The long-term component shall be prepared and adopted by resolution of the Board of Supervisors and the City Council as the hazard mitigation plan of the Linn County Multi-Hazard Emergency Operations Plan, for the purpose of enhancing long-term mitigation against future disasters. The hazard mitigation plan shall identify and map the presence, location, extent, and severity of natural, manmade, or civil hazards, such as:

- A. Severe flooding;
- B. Wild-land and urban fires;
- C. Seismic hazards such as ground shaking and deformation, fault rupture, liquefaction, and dam failure;
- D. Slope instability, mudslides, landslides and subsidence;
- E. Tornadoes and other high winds;

F. Technological hazards, such as oil spills, natural gas leakage and fires, hazardous and toxic materials contamination, nuclear power plant and radiological accidents, other industrial accidents, and ground, air, and rail transportation accidents;

G. Civil incidents such as riots, terrorist actions, and crowd control issues;

The safety element shall determine and assess the community's vulnerability to such known hazards and shall propose measures to be taken both before and after a major disaster to mitigate such hazards.

2. Short-Term Action Program. A short-term hazard mitigation program shall be included in the Recovery Plan. It shall be comprised of hazard mitigation program elements of highest priority for action, including preparation and adoption of separate ordinances dealing with specific hazard mitigation and abatement measures, as necessary. Such ordinances may require special site planning, land use and development restrictions or structural measures in areas affected by flooding, urban or wild-land fire, wind, seismic or other natural hazards, or remediation of known technological hazards such as toxic contamination.

3. Post-Disaster Actions. Following a major disaster, the Recovery Task Force shall participate in the Multi-Agency Hazard Mitigation Team with FEMA and other entities, as called for in Section 409 of the *Stafford Act* and related Federal regulations. As appropriate, the Recovery Task Force may recommend to the Board of Supervisors and the affected City Councils that the County and affected Cities participate in the Hazard Mitigation Grant Program, authorized in Section 404 of the *Stafford Act* in order to partially offset costs of recommended hazard mitigation measures.

4. New Information. As new information is obtained regarding the presence, location, extent, and severity of natural or technological hazards, or regarding new mitigation techniques, such information shall be made available to the public, and shall be incorporated as soon as practical possible within the Linn County Multi-Hazard Emergency Operations Plan and the Recovery Plan through amendment.

**37.11 RECOVERY AND RECONSTRUCTION STRATEGY.** At the earliest practicable time following the declaration of local emergency in a major disaster, the Recovery Task Force shall prepare a strategic program for recovery and reconstruction.

1. Functions. To be known as the Recovery Strategy, the proposed strategic program shall identify and prioritize major actions contemplated or under way regarding such essential functions as business resumption, economic reinvestment, industrial recovery, housing replacement, infrastructure restoration, and potential sources of financing to support these functions.

2. Review. The Recovery Strategy shall be forwarded to the Board of Supervisors and the affected City Council for review and approval following consultation with FEMA, other governmental agencies, and business and citizen representatives. The Recovery Strategy shall provide detailed information regarding proposed and ongoing implementation of initiatives necessary to the expeditious fulfillment of critical priorities and will identify amendment of any other plans, codes, or ordinances that might otherwise contradict or otherwise block strategic action. The Recovery Task Force shall periodically report to the Board of Supervisors and the

affected City Councils regarding progress toward implementation of the Recovery Strategy, together with any adjustments which may be called for by changing circumstances and conditions.

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## **PUBLIC OFFENSES**

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## CHAPTER 40

### PUBLIC PEACE

40.01 Assault

40.02 Harassment

40.03 Disorderly Conduct

40.04 Unlawful Assembly

40.05 Failure to Disperse

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

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

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

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

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

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

*(Code of Iowa, Sec. 708.1)*

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

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

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

*(Code of Iowa, Sec. 708.7)*

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

*(Code of Iowa, Sec. 708.7)*

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

*(Code of Iowa, Sec. 708.7)*

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

*(Code of Iowa, Sec. 708.7)*

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

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

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

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

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

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

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

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

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[1d])*

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[1e])*

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[1f])*

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. 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)*

*(Section 40.03 – Ord. 5-2022 – Dec. 22 Supp.)*

**40.04 UNLAWFUL ASSEMBLY.** (Repealed by Ordinance No. 5-2022 – Dec. 22 Supp.)

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

*(Code of Iowa, Sec. 723.3)*

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## CHAPTER 41

### PUBLIC HEALTH AND SAFETY

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

**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 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)*

**41.04 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)*

**41.05 INTERFERENCE WITH OFFICIAL ACTS.** No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, emergency medical care provider or firefighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, emergency medical care provider or

firefighter, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms “resist” and “obstruct” as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

*(Code of Iowa, Sec. 719.1)*

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

*(Code of Iowa, Sec. 727.3)*

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

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

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

**41.09 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.

**41.10 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])*

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

**41.12 FIREWORKS.**

1. Definitions. For purposes of this section:
  - A. “Consumer fireworks” includes first-class consumer fireworks and second-class consumer fireworks as those terms are defined in Section 100.19 Subsection 1. “Consumer fireworks” does not include novelties enumerated in Chapter 3 of the American Pyrotechnics Association’s Standard 87-1 or

display fireworks enumerated in Chapter 4 of the American Pyrotechnics Association's Standard 87-1.

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

C. "Novelties" includes all novelties enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission.

Exempt from these definitions and general intent of this ordinance are those blasting products and agents used by licensed blaster for the extraction of construction aggregates and associated stone products in the M-2 Class.

2. Display Fireworks.

A. It is unlawful for any person to use or explode any display 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.

Any permit holder granted hereunder must file evidence of insurance within two week prior to the use or display of fireworks in the following amounts:

- (1) Personal Injury: \$250,000 per person
- (2) Property Damage: \$50,000
- (3) Total Exposure: \$1,000,000

A person, firm, partnership, or corporation who offers for sale, exposes for sale, sells at retail, or uses or explodes any display fireworks, commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

3. Consumer Fireworks and Novelties.

A. It is unlawful for any person to use or explode any consumer fireworks, other than novelties, within the City limits.

B. A person, firm, partnership, or corporation who sells consumer fireworks to a person who is less than eighteen years of age commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. A person who is less than eighteen years of age who purchases consumer fireworks commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

C. Penalty.

- (1) A person who uses or explodes consumer fireworks while the use of such devices is prohibited or limited by an ordinance adopted by the County or City in which the fireworks are used commits a

simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

(2) A person who uses or explodes consumer fireworks while the use of such devices is suspended by an order of the State Fire Marshal commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

*(Subsection 3 – Ord. 20-2021 – Dec. 22 Supp.)*

4. Limitations. (Repealed by Ordinance No. 20-2021 – Dec. 22 Supp.)

5. Applicability.

A. This section does not prohibit the sale by a resident, dealer, manufacturer, or jobber of such fireworks as are not prohibited by this section, or the sale of any kind of fireworks if they are to be shipped out of the state, or the sale or use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads or trucks, for signal purposes, or by a recognized military organization.

B. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

C. Unless specifically provided otherwise, this section does not apply to novelties.

*(Section 41.12 – Ord. 03-2018 – Nov. 18 Supp.)*

#### **41.13 DRUG PARAPHERNALIA.**

*(Code of Iowa, Sec. 124.414)*

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

A. Manufacture a controlled substance.

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

C. Test the strength, effectiveness, or purity of a controlled substance.

D. Enhance the effect of a controlled substance.

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

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

**41.14 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)*

**41.15 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)*

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## CHAPTER 42

# PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing  
42.02 Criminal Mischief  
42.03 Defacing Proclamations or Notices  
42.04 Unauthorized Entry

42.05 Fraud  
42.06 Theft  
42.07 Other Public Property Offenses

### 42.01 TRESPASSING.

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

*(Code of Iowa, Sec. 716.8)*

2. Definitions. For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 716.1)*

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

*(Code of Iowa, Sec. 716.1)*

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

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

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

*(Code of Iowa, Sec. 714.8)*

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

*(Code of Iowa, Sec. 714.1)*

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

1. Chapter 21 – Library
  - A. Section 21.10 – Injury to Books or Property
  - B. Section 21.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control and Recycling
  - A. Section 105.08 – Littering Prohibited
  - B. Section 105.09 – Open Dumping Prohibited
3. Chapter 135 – Street Use and Maintenance
  - A. Section 135.01 – Removal of Warning Devices
  - B. Section 135.02 – Obstructing or Defacing
  - C. Section 135.03 – Placing Debris On
  - D. Section 135.04 – Playing In
  - E. Section 135.05 – Traveling on Barricaded Street or Alley
  - F. Section 135.08 – Burning Prohibited
  - G. Section 135.12 – Dumping of Snow
4. Chapter 136 – Sidewalk Regulations
  - A. Section 136.11 – Interference with Sidewalk Improvements
  - B. Section 136.15 – Fires or Fuel on Sidewalks
  - C. Section 136.16 – Defacing
  - D. Section 136.17 – Debris on Sidewalks
  - E. Section 136.18 – Merchandise Display
  - F. Section 136.19 – Sales Stands

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## CHAPTER 45

# ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age  
45.02 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 beverages in their possession or control; except in the case of any alcoholic beverage given or dispensed to a person under legal age within a private home and with the knowledge, presence, and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages during the regular course of the person’s employment by a retail alcohol licensee, or wine or beer permittee under State laws.

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

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 from any retail alcohol licensee.

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

*(Section 45.01 – Ord. 4-2022 – Dec. 22 Supp.)*

## **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 which provides teaching for any grade from kindergarten through grade twelve.

2. A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a retail alcohol 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.

*(Ord. 4-2022 – Dec. 22 Supp.)*

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 do not apply to a landlord or manager of the property or to a person under legal age who consumes or possesses any alcoholic liquor, wine, or beer in connection with a religious observance, ceremony, or rite.

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

## CHAPTER 46

### MINORS

#### 46.01 Curfew

#### 46.02 Cigarettes and Tobacco

#### 46.03 Contributing to Delinquency

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

1. Definitions. For use in this section, the following terms are defined:
  - A. “Emergency errand” means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury or loss of life.
  - B. “Knowingly” means knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult’s custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable standard of adult responsibility through an objective test. It is therefore no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.
  - C. “Minor” means any unemancipated person under the age of eighteen (18) years.
  - D. “Nonsecured custody” means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room 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 (6) hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.
  - E. “Public place” includes stores, parking lots, parks, playgrounds, streets, alleys and sidewalks dedicated to public use; and also includes such parts of buildings and other premises whether publicly or privately owned 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 minor.

2. Curfew Established. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City between the hours of 10:30 p.m. and 5:00 a.m. of the following day on days commencing on Sunday, Monday, Tuesday, Wednesday and Thursday and between the hours of 12:01 a.m. and 5:00 a.m. on Saturday and Sunday.

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

A. The minor is accompanied by a responsible adult.

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

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

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

(2) Minor’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 minor is on an emergency errand for a responsible adult;

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

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

5. Enforcement Procedures.

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

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

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

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

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

6. Penalties.

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

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

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

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

**46.02 CIGARETTES AND TOBACCO.** It is unlawful for any person under 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. 13-2021 – Aug. 21 Supp.)*

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

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

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

## CHAPTER 47

# PARK REGULATIONS

47.01 Purpose  
47.02 Use of Drives Required  
47.03 Fires  
47.04 Littering  
47.05 Parks Closed

47.06 Cox Lake  
47.07 Smoking and the Use of Tobacco, Nicotine Products,  
and Electronic Smoking Devices in Public Parks  
Prohibited

**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 PARKS CLOSED.** No person, except those camping in designated areas, shall enter or remain within any park between the hours of 11:00 p.m. to sunrise.

**47.06 COX LAKE.** No person shall swim or place or use a boat in Cox Lake.

**47.07 SMOKING AND THE USE OF TOBACCO, NICOTINE PRODUCTS, AND ELECTRONIC SMOKING DEVICES IN PUBLIC PARKS IS PROHIBITED.** Smoking and the use of any tobacco product, nicotine product, or Electronic Smoking Device (ESD), by any person, in any publicly owned outdoor park or outdoor recreational facility is prohibited at all times. This prohibition does not apply to the use of prescription medication by the person to whom the prescription was issued nor to the use of gum or patches designed as, and marketed for smoking cessation.

1. “Publicly owned outdoor park or outdoor recreational facility” shall mean any publicly owned outdoor park or facility including any park, playground, athletic field or complex, skate park, aquatic area, shelter, trail and includes any associated restroom or parking lot.
2. “Tobacco product” as used means any cigarette or tobacco product as defined in Chapter 453A of the Iowa Code.
3. “Nicotine product” shall mean any product containing nicotine including look-a-like products where the original would include tobacco or nicotine including products that are dissolvable, spit less, snus, or for chewing.

4. “Smoking” shall mean inhaling or exhaling from any lighted or heated pipe, cigar, cigarette, or any other lighted or heated tobacco, plant material, liquid, oils, nicotine or other chemicals that may be inhaled or exhaled by the user.

5. “Electronic Smoking Device (ESD)” shall mean any device used to vaporize plant material, liquids, oils, nicotine or other chemicals that may be inhaled by users, including, but not limited to: e-cigarettes, e-pens, e-hookah, e-cigars, and vape pens.

*(Ord. 9-2016 – May 16 Supp.)*

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# **NUISANCES AND ANIMAL CONTROL**

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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 of Nuisance 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. **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.
4. **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.
5. **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)**
6. **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)**
7. **Air Pollution.** Emission of dense smoke, noxious fumes, or fly ash.
8. **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 also Chapter 52)**
9. **Dutch Elm Disease.** Trees infected with Dutch elm disease. **(See also Chapter 151)**

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

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

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

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

*(Code of Iowa, Sec. 657.3)*

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

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

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

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

1. Contents of Notice to Property Owner. The notice to abate shall contain: <sup>†</sup>
  - A. Description of Nuisance. A description of what constitutes the nuisance.
  - B. Location of Nuisance. The location of the nuisance.

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<sup>†</sup> **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.

- 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])*
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 five hundred dollars (\$500.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.  
*(Code of Iowa, Sec. 364.13)*
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 3 of this Code of Ordinances.

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## CHAPTER 51

### JUNK VEHICLES

#### 51.01 Definitions

#### 51.02 Junk Vehicles Prohibited

#### 51.03 Junk Vehicles a Nuisance

#### 51.04 Exceptions

#### 51.05 Right of Entry

#### 51.06 Notice to Abate

#### 51.07 Service of Notice

#### 51.08 Duty of Owner to Remove or Repair After Notice

#### 51.09 Abatement by City

#### 51.10 Violation

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

1. “Driveway” means an established hard surface or compressed crushed rock base portion of a residential lot, free of vegetation, leading from the street or alley to an existing garage or to the side of the house if there is no garage, and does not include any area of the grassed yard.

2. “Junk vehicle” means any “vehicle,” as defined by Section 321.1 of the *Code of Iowa*, or any motor vehicle, recreational vehicle, boat, trailer or semi-trailer which is located within the corporate limits of the City which lacks a current registration, valid for that vehicle, and/or which has any one or more 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, other than that in the fuel tank, 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 thirty (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. A vehicle as defined by Section 321.1 of the *Code of Iowa* which is parked in a driveway (as defined herein) will not be considered a “junk vehicle” for lack of current registration alone, so long as it does not violate any of paragraphs A through F of this subsection.

**51.02 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 vehicle.

**51.03 JUNK VEHICLES A NUISANCE.** It is hereby declared that every 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 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.**

1. Junk Vehicles in Garage or Driveway. The provisions of this chapter do not apply to any junk vehicle located within a garage or other completely enclosed structure or upon a driveway (as long as such garage, structure or driveway is not in violation of any provisions of the Code of Ordinances), or to the following vehicles:

A. A vehicle under active repair parked upon the driveway of a residentially zoned property not having a garage, provided the owner has notified City officials in writing of the owner's intent to actively repair the vehicle and further provided that the repairs are completed within thirty (30) days of the notification; or

B. A currently registered recreational vehicle (camper, snowmobile, motorcycle, boat or utility trailer) parked in a rear or side yard that is not a driveway, provided that:

(1) The vehicle does not violate any of the other solid waste or junk vehicle ordinances;

(2) The vehicle is on a concrete, crushed compressed rock or blacktop surface, free of weeds and vegetation, no smaller than the width and length of the vehicle; and

(3) The vehicle placement is no closer than twenty-five (25) feet to the front yard line and not closer than one foot to the adjoining side or rear lot lines.

2. Junk Vehicles on Commercial Premises. The provisions of this chapter do not apply to junk vehicles upon any of the following premises as long as the premises is not in violation of any provisions of this Code of Ordinances:

A. Authorized vehicle recycler (as defined in Chapter 321H of the *Code of Iowa*); or

B. Licensed motor vehicle dealership (as defined in Chapter 322 of the *Code of Iowa*); or

C. Motor home and travel trailer dealership (as defined in Chapter 322C of the *Code of Iowa*); or

D. Farm implement dealership (as defined in Chapter 322D of the *Code of Iowa*); or

E. Motorcycle, snowmobile, ATV and/or other recreation vehicle dealership (as defined in Section 321.1(40) and Chapter 321G of the *Code of Iowa*); or

F. Motor vehicle franchiser and franchisee (as defined in Chapter 322A of the *Code of Iowa*); or

G. Junk/salvage yard [as defined in Section 165.03(45) of this Code of Ordinances]; or

H. Towing services company licensed to operate as such through the Iowa Department of Transportation.

The Council will set a time limit allowable for the placement of a junk vehicle at any of the above listed commercial properties. This time limit shall be the minimum necessary for the business and not more than 180 days. Any of the above listed businesses may apply for a one-time, ten-day extension of the time limit by contacting the Clerk's office, which extension will be granted only in the most exceptional cases.

**51.05 RIGHT OF ENTRY.** The County Sheriff or other person designated to abate nuisances pursuant to this Code of Ordinances is hereby authorized to have access to any property upon which a junk vehicle is located for the purpose of carrying out any and all actions required by this chapter, at the City's direction.

**51.06 NOTICE TO ABATE.** Upon discovery of any junk vehicle located upon private property in violation of this chapter, the Clerk shall notify, in writing, the owner of the property upon which the vehicle is located and the owner of the vehicle, if known, that:

1. The junk vehicle constitutes a nuisance under the provision of this chapter; and
2. The junk vehicle must be removed in accordance with the provisions of Section 51.08 of this chapter or that the owner must repair the vehicle and properly display current registration plates or stickers for the vehicle within twenty (20) days; and
3. Failure to abate the nuisance as prescribed by the notice shall be sufficient cause for removal of the junk vehicle by the City as set forth in Section 51.09 of this chapter.

**51.07 SERVICE OF NOTICE.** Any notice shall be deemed to be properly served when a copy thereof is delivered to said owner personally or by certified mail with return receipt requested to said owner's last known address. If the City selects service by certified mail, notice shall be deemed given when mailed.

**51.08 DUTY OF OWNER TO REMOVE OR REPAIR AFTER NOTICE.** The owner of a junk vehicle or the owner of the property upon which it is located shall, within twenty (20) days after notice has been given as provided in Section 51.06 hereof:

1. Immediately provide for the registration of each and every vehicle as required by the laws of the State, including properly affixing the registration plate or sticker to the vehicle; and
2. Repair any and all conditions as defined under Section 51.01 of this chapter which cause such vehicle to be a nuisance; or
3. Remove the vehicle or cause it to be removed to an authorized junk/salvage yard or to any other location provided the same complies with all applicable provisions of this Code of Ordinances.

**51.09 ABATEMENT BY CITY.** If the owner of the junk vehicle or owner of the property upon which the junk vehicle is located fails to abate the nuisance as prescribed in Section

51.08 of this chapter, the City, by and through the County Sheriff, may abate such nuisance by causing the vehicle to be removed and impounded and sold or disposed of in the manner provided for abandoned vehicles under Chapter 80 of this Code of Ordinances. The Council may also, by resolution, establish reasonable fees for any other costs incurred through the enforcement of this chapter. All costs of such abatement and enforcement shall be charged to the owner of the vehicle, if known. In the event that it is not possible to determine the owner of the vehicle, all costs of such abatement and enforcement shall be charged to the owner of the property where such vehicle was located. All such costs may be assessed against the property being deemed as benefiting from the removal and collected as a special assessment in the same manner as property taxes.

**51.10 VIOLATION.** Any person violating any provision of this chapter shall be guilty of a simple misdemeanor, and each day of a continuing violation shall constitute a separate offense.

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## CHAPTER 52

### WEEDS AND GRASSES

52.01 Purpose  
52.02 Definitions  
52.03 Authority for Enforcement  
52.04 Interference with Weed Official  
52.05 Nuisances

52.06 Natural Areas  
52.07 Enforcement Period  
52.08 Emergency Control Measures  
52.09 Control of Weeds or Other Vegetation

**52.01 PURPOSE.** The purpose of this chapter is to designate responsibility for the removal of weeds and cutting of grasses within the City, to define the same as nuisances and to provide for their abatement in order to provide for the safety and preserve the health and welfare of the citizens of the City.

**52.02 DEFINITIONS.** For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein.

1. “Conservation area” means an area that is planted with ground cover plants of a size and texture compatible with the environment and maintained accordingly.
2. “Developed lot or area” means an improved or commercial lot.
3. “Enforcement period” means at all times.
4. “Ground cover” means plants with the growth and root capacity to cover and stabilize an area of soil and to prevent erosion.
5. “Natural area” means an area allowed to retain native plant material in a natural prairie state.
6. “Noxious weeds” means primary and secondary classes of weeds as defined by the *Code of Iowa*, and all additions to this list as so declared by the State Secretary of Agriculture.
7. “Parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and curb line; on unpaved streets, the parking is that part of the street, avenue, or highway lying between the lot lines and that portion of the street usually traveled by vehicular traffic.
8. “Right-of-way” means the entire width of a platted street or alley in use or undeveloped.
9. “Soil erosion control” means a method of planting and cultivation, or lack of same, designed to retain soil and to prevent soil movement caused by natural or manmade causes.
10. “Undeveloped lot or area” means an unimproved lot or area.
11. “Weeds,” as used in this chapter, means any plants growing uncultivated and out of context with the surrounding plant life when such plant has a seed head formed or forming and with a height of six (6) inches or more, except as otherwise provided in this chapter.

(Ord. 16-2021 – Aug. 21 Supp.)

**52.03 AUTHORITY FOR ENFORCEMENT.** The City Clerk or other person designated by the Clerk is responsible for the enforcement of this chapter and shall have all the necessary authority to carry out the enforcement of this chapter. Said designee shall be known as the Weed Official.

**52.04 INTERFERENCE WITH WEED OFFICIAL.** No persons shall interfere with the Weed Official or any appointed assistant while engaged in the enforcement of this chapter.

**52.05 NUISANCES.** Except as provided elsewhere in this chapter, the following provisions shall apply:

1. Each owner and each person in the possession or control of any land shall cut or otherwise destroy, in whatever manner prescribed by the Weed Official, all noxious weeds thereon and shall keep said lands free of such growth.

2. Each owner and each person in possession or control of any property shall be responsible to keep said lot, along with parking adjacent thereto, alleys, public ways or areas up to the centerline of said ways free of any noxious weeds and to keep grasses and weeds on said lot mowed so that grass and weeds are less than six (6) inches in height. However, grass and weeds located on undeveloped and unplatted property located more than 100 feet from developed or platted property shall be mowed so that grass and weeds are less than eighteen (18) inches in height.

*(Subsection 2 – Ord. 16-2021 – Aug. 21 Supp.)*

3. Each owner and each person in the possession or control of any lands shall not allow any plant growth of any sort to remain in such a manner as to render the streets, alleys or public ways adjoining said land unsafe for public travel or in any manner so as to impede pedestrian or vehicular traffic upon any public place or way.

4. Where waterways or watercourses are found upon any developed or undeveloped lot, the owner or person in possession or control shall keep the flat or level part of the bank of said waterway free of any weeds and grasses more than 18 inches in height. Should such waterways or watercourses be found within the right-of-way of a street or alley, the adjacent property owner or person in possession or control shall be responsible to keep the flat or accessible portion of creek bank free of any weeds or grasses more than 18 inches in height.

5. No owner or person in possession or control of any developed or undeveloped lot shall allow plant growth or the accumulation of plant materials on such lot to remain in such a state so as to constitute a fire hazard. In no instance shall cut plant material accumulations be located within 150 feet of a building, structure, recreation area (not including the width of any intervening street) or within 125 feet of a street right-of-way.

**52.06 NATURAL AREAS.**

1. Designation. The Weed Official, upon application of the owner or person in possession or control of any lot, may designate such lot or portion thereof or any adjacent undeveloped public way as a natural or conservation area. Prior to designating such area, the Weed Official shall consider the following factors: grade or incline of said tract, the difficulty to control or maintain said tract, whether said tract is being maintained as either a soil erosion control area or a conservation area. Any person affected by the designation or lack thereof may appeal said determination to the City Council.

2. Natural or Conservation Areas. Natural or conservation areas need not be mowed and shall be left in their natural state, except that noxious weeds shall be removed or controlled.
3. Public Ways. Sidewalks or other public ways that lie adjacent to or extend through a natural or conservation area must be open and free from any obstructions to pedestrians or vehicular traffic.

**52.07 ENFORCEMENT PERIOD.** At all times it shall be the duty of the Weed Official to inspect all areas of complaint and in the case of a legitimate complaint to notify the last known owner or person in possession (or control) of the area of violation of this chapter. Said notice shall be by certified mail and allow ten (10) days after mailing said notice as a period of time to eliminate said violations. Return receipt with signature is not required for said notice. The owner or person in control of the lot shall be billed by the City. Upon failure of the owner or person in possession or control to act within the prescribed 10-day time period, the City may perform the required action and assess costs against the property for collection in the same manner as a property tax. In the event such action is taken, the Weed Official may obtain competitive quotes to have the required action performed. If no quotes are obtained, the City may have the City personnel perform the required action at rates which shall be established by resolution of the Council from time to time, which rates shall constitute costs to be assessed against the property as provided herein. In addition to the foregoing remedy and other remedies by law, the Weed Official may file misdemeanor charges against such individuals.

**52.08 EMERGENCY CONTROL MEASURES.** Notwithstanding any other provisions of this chapter, whenever in the judgment of the Weed Official or the Fire Chief an emergency exists creating a health, safety or fire hazard which may require weed or grass control without prior notice, control measures shall be taken and costs assessed against the property for collection in the same manner as property tax. However, prior to such assessment, the City shall give the property owner notice by certified mail and an opportunity for a hearing before the Council.

**52.09 CONTROL OF WEEDS OR OTHER VEGETATION.** On or before June 1 each year and August 1 of each year, the Clerk shall post a Notice to Property Owners generally setting forth the duty to control weeds and other vegetation which might be a nuisance in violation of this Code of Ordinances. The Weed Official may cause a Notice to Abate Nuisance to be served upon any property owner who fails to comply with the posted notice or any person who at any other time has weeds or other vegetation in violation of this Code of Ordinances and shall submit the cost to the Council for assessment as provided in the *Code of Iowa*. In the event of an emergency as set forth in Section 52.08, the notice requirement may be dispensed with. In abating a nuisance under this Code of Ordinances, the Weed Official is hereby authorized and directed to employ such persons and rent any and all equipment necessary for the abatement of the nuisance and the costs thereof shall be assessed.

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## CHAPTER 53

# NOISE AND NOISE LIMITS

### 53.01 Definitions

### 53.03 Noise Prohibitions and Limited Sound Sources

### 53.03 Enforcement

### 53.04 Permits to Exceed Limits

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

1. “A-weighted sound level” means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dBA.
2. “Commercial” or “commercial district” means any property which is zoned for any commercial use as defined in the Zoning Ordinance.
3. “Construction equipment” means the implements used in an operation or activity, or everything except personnel needed to build, to repair, or to erect.
4. “Decibel” means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
5. “Exhaust system” means the device or combination of devices that collects the exhaust from the engine or motor, delivers the exhaust to the atmosphere and reduces the noise emissions. “Exhaust system” includes manifold or headers, exhaust pipe, muffler, and tail pipe.
6. “Farm equipment” means the implements used in an operation or activity, or everything except personnel needed for cultivation or production of crops of any nature, or raising of any type of animal embraced within the term “livestock.”
7. “Gross vehicle weight rating” means the value specified by the manufacturer as the recommended maximum weighted load of a single motor vehicle. When trailers and tractors are separable, the gross combination weight rating is the value specified by the manufacturer as the recommended maximum loaded weight of the combined vehicle.
8. “Industrial” or “industrial district” means any property zoned for any industrial use as defined in the Zoning Ordinance.
9. “Motor vehicle” means every vehicle, which is self-propelled.
10. “Noise disturbance” for purposes of this chapter, means any transmission of sound across a real property boundary from a source specifically limited by this chapter, which exceeds the sound level limits set forth in Table 1 entitled Maximum Permissible Sound Levels From Limited Sources by Receiving Land Use.
11. “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 divisions.
12. “Receiving land use” means, for purposes of this chapter, the use or occupancy of the property, which receives the transmission of sound.

13. “Residential” or “residential district” means any property on which is located a building or structure used wholly or partially for living or sleeping purposes. This definition does not include park custodial residences or school or college dormitories.

14. “Sound level meter” means an instrument used to measure sound pressure.

15. “Sound level” means the weighted sound pressure level contained by the use of the sound level meter and A-weighting network, such as a, b, or c as specified in American National Standards Institute Specifications for Sound Level Meters, ANSI S1.4-1971. If the frequency weighting employed is not indicated, the A-weighting shall apply.

16. “Sound pressure level” means twenty times the logarithm to the base 10 of the ratio of the root mean squared sound pressure to the reference pressure of 20 micropascals.

17. “Sound pressure” means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

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

19. “Used” or “occupied,” for purposes of this chapter, where either word appears, shall be deemed to include the words “intended, designed, or arranged to be used or occupied.”

<b>TABLE 1</b>		
<b>Maximum Permissible Sound Levels From Limited Sources By Receiving Land Use</b>		
<b>Zoning Category of Receiving Land Use</b>	<b>Legal Time</b>	<b>Sound Level Limit (dBA)</b>
Residence District	7:00 a.m. to 10:00 p.m.	60
	10:00 p.m. to 7:00 a.m.	50
Commercial District	At all times	65
Industrial District	At all times	75

**53.02 NOISE PROHIBITIONS AND LIMITED SOUND SOURCES.** The following sound sources are limited by this chapter:

1. No person shall perform, create, cause or permit a radio, television set, musical instrument or any other device to produce, reproduce or amplify sound to create a noise, which is audible at a distance of two hundred (200) feet from such device when operated on or in a motor vehicle.

2. No person shall operate a motor vehicle radio or other equipment to emit sound through a motor vehicle radio or other sound system if the sound emitted is plainly audible for more than two hundred (200) feet from the vehicle.

3. Every motor vehicle must at all times be equipped with a muffler and exhaust system in good working order and in constant operation to prevent excessive noise or annoying smoke.

4. The following constitutes evidence of rebuttable presumption of a violation of this section:
  - A. The use of a muffler cutout, bypass, non-original equipment exhaust system without a muffler, or other similar device upon a motor vehicle upon a street;
  - B. Equipment marked with either “off road use” or “not for street use;”
  - C. Excessive revving and/or acceleration which can be heard at a distance of at least 200 feet (200’); or
  - D. The operation of a vehicle making excessive noise so as to be audible at a distance of at least two hundred (200) feet from the motor vehicle.
5. Animals and Birds. No person shall own, possess or harbor any animal or bird, which frequently or for continued duration emits sounds native to the species, which are a noise disturbance.
6. Radios, Televisions, Phonographs, Etc. No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device, which produces, reproduces or amplifies sound at a sound level, which creates a noise disturbance. Church or clock carillons, bells or chimes, parades or processions (provided the conditions of the permit are met), mobile radio or telephone signal devices and sanctioned racing events are all excepted from the provisions of this subsection.
7. Lawn Equipment. No person shall use or operate or permit the use or operation of a power lawn mower, power trimmer, leaf blower, leaf vacuum, garden tiller or other gasoline or electric-powered device intended for mowing, trimming or working on a lawn or garden between the hours of ten o’clock (10:00) p.m. and seven o’clock (7:00) a.m. the following morning if such use or operation creates a noise disturbance as defined in this chapter. No person shall use or operate or permit the use or operation of a gasoline-powered lawn or garden equipment which does not have a muffler if such use or operation creates a noise disturbance as defined by this chapter.
8. Chain Saws. No person shall use or operate or permit the use or operation of a power chain saw between the hours of (10:00) p.m. and seven o’clock (7:00) a.m. the following morning if such use or operation creates a noise disturbance as defined in this chapter.
9. Solid Waste Collection and/or Hauling Equipment. No person shall use, operate or permit the use or operation of any solid waste collection and/or hauling equipment between the hours of ten o’clock (10:00) p.m. and seven o’clock (7:00) a.m. the following morning if such use or operation creates a noise disturbance as defined in this chapter.
10. Official Vehicles. Governmental, Police Department and Fire Department equipment, public utility company equipment, railroad company equipment and emergency vehicles such as ambulances and helicopters are exempt from the provisions of this chapter.
11. Construction Equipment. The operation of construction equipment between the hours of seven o’clock (7:00) a.m. to ten o’clock (10:00) p.m. shall not be subject to the limitations set out in Table 1 of this chapter. However, no person shall use or operate or permit the use or operation of construction equipment between the hours of

ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m. the following morning if such use or operation creates a noise disturbance as defined in this chapter.

12. Exempt Equipment. Persons operating the following equipment are exempt from the provisions of this chapter: City contracted solid waste collection and/or hauling equipment, farm equipment, snow blowers and snow plows.

### **53.03 ENFORCEMENT.**

1. The provisions of this chapter which prohibit the making, continuing, or causing the making or continuance of a noise disturbance shall be enforced only upon receipt of a complaint made or filed with City officials by a person disturbed by such noise disturbance, with the exception of violations of Section 53.02(1), (2), (3), and (4). Certification by an official charged with enforcement of the provisions of this chapter that such complaint was made shall be sufficient to establish a rebuttable presumption that a violation of this statute has occurred.

2. Peace officers may enforce violations of Section 53.02(1), (2), (3), or (4) of this chapter without necessity of such complaint. The following scheduled fines are fixed for violations of Section 53.02(1), (2), (3) or (4): each offense \$100.00.

**53.04 PERMITS TO EXCEED LIMITS.** The Council, on written application, for good cause shown, may grant a special permit to exceed the sound and/or time limits established in Section 53.01 for specific activities generally or for limited times and/or dates provided that the sound level does not exceed 75 dBA at the receiving land use.

*(Ch. 53 – Ord. 18-2019 – Aug. 21 Supp.)*

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## CHAPTER 55

# ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.14 Tethering Of Animals
55.02 Immunization	55.15 Removing Animals From Animal Shelter
55.03 At Large Prohibited	55.16 Animals on Public Property
55.04 Animal Nuisances	55.17 Confinement of Female Animals in Heat
55.05 Impounding	55.18 Animal Control Agency and Animal Control Officer
55.06 Animal Neglect	55.19 Disposition of Diseased and Injured Animals
55.07 Livestock Neglect	55.20 Destruction of Animals At Large
55.08 Dangerous Animals	55.21 Report of Animal Bites
55.09 Keeping a Vicious Animal	55.22 Quarantine of Animals
55.10 Seizure of Vicious or Dangerous Animals	55.23 Pet Awards Prohibited
55.11 Abandonment of Cats and Dogs	55.24 Tampering With A Rabies Vaccination Tag
55.12 Botherome Animals	55.25 Tampering With An Electronic Handling Device
55.13 Unhealthful or Unsanitary Conditions	

**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 control agency” means any public or private agency delegated authority by the Council to enforce portions of this chapter.

4. “Animal control officer” means a designated employee of the animal control agency.

5. “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)*

6. “At heel” means, with reference to a dog, within three (3) feet of a person and subject to that person’s strict obedient command and control.

7. “At large” means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel, on a leash or at heel beside a competent person and obedient to that person’s command.

8. “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.
9. “Cats” means both male and female cats of the feline species, whether altered or not.
10. “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*)
11. “Dogs” means both male and female dogs of the canine species whether altered or not.
12. “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.
13. “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*)
14. “In heat” refers to a female animal during the active state of estrus.
15. “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*)
16. “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*)
17. “Owner” means any person owning, keeping, sheltering, or harboring an animal.
18. “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*)
19. “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*)

20. “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)*

21. “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)*

22. “Vicious animal” means any animal which inflicts a bite or bites upon and/or attacks human beings or domesticated animals without cause or justification.

*(Section 55.01 – Ord. 15-2021 – Aug. 21 Supp.)*

**55.02 IMMUNIZATION.** All dogs and cats three (3) months or older shall be vaccinated against rabies. All dogs and cats shall wear a tag showing evidence of proper vaccination when not confined.

**55.03 AT LARGE PROHIBITED.** No owner or person having custody of an animal shall permit such animal to run at large. Violations of this section will result in the owner being responsible for animal control expenses incurred while capturing and any fees related to housing the animals.

**55.04 ANIMAL NUISANCES.** It is unlawful for any person to allow an animal under such person’s control or care to commit any of the following nuisances:

1. Damage, soil, defile or defecate on private property other than the owner’s or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.
2. Cause unsanitary, dangerous or offensive conditions.
3. Cause a disturbance by excessive barking or other noise-making or chase vehicles or molest, attack or interfere with persons or other domestic animals on public property.

**55.05 IMPOUNDING.**

1. Any dog or cat found at large in violation of Section 55.02, 55.03 and 55.04 of this chapter shall be seized and impounded or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.
2. The owner of the dog or cat shall be notified within two (2) days that upon payment of impounding fees, plus the cost of food and care in a reasonable amount, the dog or cat will be returned. Impounding fees will equal the expense the City incurs by having the Humane Society pick up the dog or cat. If the impounded dog or cat is not recovered within five (5) business days after notice, the dog or cat shall be disposed of in a humane manner as directed by the animal control officer or Council.
3. The owner, upon proper identification, may recover an impounded dog or cat by payment of the impounding fee and boarding costs, and the costs of vaccination, if vaccination is required by Section 55.02. If such dog or cat is not claimed within

three (3) business days after notice, such dog or cat shall be disposed of in a humane manner as directed by the animal control officer or Council.

4. It is a simple misdemeanor to have more than one violation of either Section 55.03 or Section 55.04. Reports must be made to the City Clerk, Council, Mayor, law enforcement officer or animal control officer. Reports shall be both justified and verifiable (photographs, sworn statements, etc.).

#### **55.06 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 55.06 – Ord. 15-2021 – Aug. 21 Supp.)

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

(Code of Iowa, Sec. 717.2)

#### **55.08 DANGEROUS ANIMALS.**

1. Dangerous Animals Prohibited. No person shall keep, shelter or harbor, for any purpose within the City limits, a dangerous animal.

2. Definition. “Dangerous animal” includes the following:<sup>†</sup>

A. *Mustelidae*: e.g., badgers, wolverines, weasels, skunks, mink, otters within the order *Carnivora*, but not including domestic ferrets;

B. *Procyonidae*: e.g., raccoons, pandas, kinkajous within the order *Carnivora*;

C. *Chiroptera*: e.g., bats;

D. *Didelphidae*: e.g., opossums;

E. *Castoridae*: e.g., beavers;

F. *Viveridae*: e.g., civets and mongooses;

G. *Formicidae*: e.g., fire ants within the order *Hymenoptera*;

H. *Apidae*: specifically Africanized strains of *Apis mellifera*, the honey bee;

I. Venomous spiders of the families *teridiidae* and *loxoscelidae* respectively, and scorpions of the order *Scorpiones*.

(Subsection 2 – Ord. 15-2021 – Aug. 21 Supp.)

**55.09 KEEPING A VICIOUS ANIMAL.** No person shall keep, shelter, or harbor for any purpose within the City limits a vicious animal.

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<sup>†</sup> **EDITOR’S NOTE:** Other dangerous animals are prohibited and regulated by the Iowa Department of Agriculture and Land Stewardship.

**55.10 SEIZURE OF VICIOUS OR DANGEROUS ANIMALS.** Any animal which is suspected of being vicious or dangerous shall be seized and impounded. Contemporaneously with such seizure, the owner of the animal shall be charged with the appropriate violation of this chapter. In the event the animal cannot be seized without exposing a person to danger or personal injury, the animal may be destroyed.

1. If the owner is ultimately found not guilty of violating this chapter, the animal involved shall be returned to the owner, and the owner shall bear no costs of the confinement.
2. If the owner is found or pleads guilty of violating the chapter, the animal shall be returned to the owner, only upon full payment of the confinement expenses and the owner shall also make provision to have the animal removed from the corporate limits of the City, or the animal shall not be released. A vicious or dangerous animal may be destroyed if appropriate conditions or provisions cannot be met or made to allow release of said animal, after notice and hearing to the owner or person harboring or maintaining the animal.
3. If after the conclusion of the court case, the owner does not redeem the animal, it will be disposed of as deemed appropriate by the animal control officer.

If an owner refuses entry upon property to view an animal suspected of being vicious or dangerous, a law enforcement officer may request a search warrant from a magistrate. Such request shall detail the reason why the warrant is necessary and why the officer has reason to believe a violation of this chapter exists.

**55.11 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 55.11 – Ord. 15-2021 – Aug. 21 Supp.)*

**55.12 BOTHERSOME ANIMALS.** It is unlawful for a person to keep within the City bothersome animals such as barking dogs, bees, cattle, donkeys, mules, horses, swine, sheep, goats, fowl and geese, which tend to disrupt the peace and good order of the community, unless the same are specifically authorized by the Zoning Code.

**55.13 UNHEALTHFUL OR UNSANITARY CONDITIONS.**

1. An owner shall keep all structures, pens, coops or yards wherein animals are confined clean, devoid of vermin and feces and free of odors arising from feces.

2. No person in control of any animal shall permit the animal to discharge feces on any property, other than said person's own property, without taking steps to immediately remove and clean up the feces.
3. All feces removed, as aforesaid, shall be placed in an airtight container until it is disposed of in a manner pursuant to refuse collection procedures, or otherwise disposed of in a sanitary manner.
4. An owner may, as an alternative to subsection 3 above, collect and turn the feces under the soil in a manner that prevents odor or the collection of flies.

**55.14 TETHERING OF ANIMALS.** No person shall stake or otherwise tie or fasten an animal in a way that permits the animal to pass onto, over or across any public sidewalk, street or alley or private property other than the owner's. Said animal shall be considered at large.

**55.15 REMOVING ANIMALS FROM ANIMAL SHELTER.** It is unlawful for any unauthorized person to open any gate, door or any other portion of the animal shelter provided by the animal control agency with the intent of allowing the animals to escape. The animal control agency and employees of the animal control agency are considered to be authorized persons under this chapter.

**55.16 ANIMALS ON PUBLIC PROPERTY.** No animal is allowed on public property unless it is attached to a leash having sufficient strength to restrain the animal and no more than six (6) feet in length. In addition, the leash must be held by a person capable of restraining and controlling the animal. This section shall not apply to animals located on owner's private property. *(Ord. 14-2019 – Nov. 19 Supp.)*

**55.17 CONFINEMENT OF FEMALE ANIMALS IN HEAT.** The owner of any female animal in heat shall confine said animal inside the house or building on the owner's premises during the heat period. The owner may remove a dog in heat from his or her premises for purposes of breeding and/or exercise, provided the animal is on a leash, cord, chain or similar restraint not more than six (6) feet in length and is under the control of the owner.

**55.18 ANIMAL CONTROL AGENCY AND ANIMAL CONTROL OFFICER.** The Cedar Valley Humane Society is hereby designated by the City to be the animal control agency. The animal control officer shall have the same powers as a peace officer for the enforcement of provisions of this chapter and any other provisions of law relating to animals.

**55.19 DISPOSITION OF DISEASED AND INJURED ANIMALS.** The animal control officer may euthanize any diseased or injured animal found at large or impounded. Impounded animals that contract a contagious disease or diseases together with other exposed impounded animals may be euthanized by the animal control officer. Every reasonable effort will be made to locate and notify the owner of the animal before euthanasia, and the owner's request regarding the disposition of the animal will be honored unless the animal control officer determines it is inhumane to the animal.

**55.20 DESTRUCTION OF ANIMALS AT LARGE.** It is lawful for an animal control officer to destroy, if necessary, any animal found at large which cannot be captured.

**55.21 REPORT OF ANIMAL BITES.**

1. Every physician or other medical practitioner shall report in writing to the Linn County Sheriff's Department and the Cedar Valley Humane Society the name

and address of any person treated for a bite inflicted by an animal within the City limits, with such other information as will assist in the prevention of rabies.

2. Every veterinarian shall report to the Linn County Health Department and the Cedar Valley Humane Society any diagnosis of rabies in an animal made by or under the supervision of said veterinarian.

3. Every veterinarian shall report to the Linn County Sheriff's Department and the Cedar Valley Humane Society the name and address of the owner of an animal treated for a bite inflicted by another animal within the City limits.

4. Every person, including the animal's owner and the City staff, with knowledge of an animal biting and/or inflicting of skin abrasion upon any person within the City limits shall promptly report such information to the Linn County Sheriff's Department and the Cedar Valley Humane Society.

5. 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.

**55.22 QUARANTINE OF ANIMALS.** An owner whose animal is suspected of having rabies or other disease communicable to humans, or which has bitten or caused a skin abrasion upon a human, shall place the animal in isolation under quarantine for ten (10) days upon the direction of the animal control officer. In the event that the animal has had current rabies shots, the animal control officer may authorize the owner to quarantine the animal at the owner's home. In the event the animal has not had current rabies shots, or in the event that it is unknown if the shots are current, or in the event evidence is not produced satisfactory to the animal control officer that the shots are current, or for any other reason that the animal control officer so determines, the animal shall be quarantined at the animal control agency or licensed veterinary hospital, and all costs of such confinement shall be paid by the owner. 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)*

**55.23 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.

**55.24 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 55.24 – Ord. 15-2021 – Aug. 21 Supp.)*

**55.25 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 55.25 – Ord. 15-2021 – Aug. 21 Supp.)*

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# **TRAFFIC AND VEHICLES**

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## CHAPTER 60

# ADMINISTRATION OF TRAFFIC CODE

60.01 Title  
60.02 Definitions  
60.03 Administration and Enforcement  
60.04 Power to Direct Traffic

60.05 Traffic Accidents: Reports  
60.06 Peace Officer's Authority  
60.07 Obedience to Peace Officers

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

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

*(Code of Iowa, Sec. 321.1)*

1. "Business District" means the territory contiguous to and including the following designated streets:
  - A. Broadway Street from Liberty Avenue to North Avenue;
  - B. First Avenue from east corporate limits to west corporate limits.
2. "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
3. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. "Residence district" means the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.
5. "School district" means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a 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 peace officer.

*(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)*

## 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 Mayor 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 Mayor shall keep a record of all such traffic control devices.

*(Code of Iowa, Sec. 321.255)*

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

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

**61.03 TRAFFIC LANES.** The Mayor 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 Engine Brakes and Compression 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.
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30. Section 321.224 – Record kept.
31. Section 321.232 – Speed detection jamming devices; penalty.
32. Section 321.234A – All-terrain vehicles.
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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.
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105. Section 321.384 – When lighted lamps required.
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108. Section 321.387 – Rear lamps.
109. Section 321.388 – Illuminating plates.
110. Section 321.389 – Reflector requirement.
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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.
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120. Section 321.404A – Light-restricting devices prohibited.
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- 122. Section 321.408 – Back-up lamps.
- 123. Section 321.409 – Mandatory lighting equipment.
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- 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.
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- 150. Section 321.454 – Width of vehicles.
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- 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 peace officer shall have authority to declare any street or part thereof a play street and cause to be placed appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

*(Code of Iowa, Sec. 321.255)*

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

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

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

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

**62.07 ENGINE BRAKES AND COMPRESSION BRAKES.** The following regulations shall apply to engine brakes, compression brakes, or mechanical exhaust devices within the City:

1. Within the City limits, it is unlawful for any person to operate, or cause to be used, any engine brake, compression brake or mechanical exhaust device for the purpose of assisting braking on any truck, which results in excessive, loud or explosive noise from such vehicle.
2. The usage of such engine brakes to aid braking or deceleration, except in the case of an emergency, as to be audible at a distance of three hundred (300) feet from the vehicle is prima facie evidence of a violation and subject to a fine as to be determined to be a simple misdemeanor.

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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 Restrictions

#### 63.05 Minimum Speed

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

*(Code of Iowa, Sec. 321.285)*

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

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

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

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

**63.04 SPECIAL SPEED RESTRICTIONS.** 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 15 MPH Speed Zones. A speed in excess of fifteen (15) miles per hour is unlawful on any of the following designated streets or parts thereof.
  - A. Circle Drive from Mill Avenue to Mill Avenue.
2. Special 30 MPH Speed Zones. A speed in excess of thirty (30) miles per hour is unlawful on any of the following designated streets or parts thereof.
  - A. The entire length of First Avenue from the east corporate limit line to the west corporate limit line and back;

B. The entire length of Sixth Street South (also known as X-20 and Springville Road) from First Avenue south to the corporate limit line and back.

**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)*

## CHAPTER 64

### TURNING REGULATIONS

**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 Mayor 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.

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## CHAPTER 65

### STOP OR YIELD REQUIRED

65.01 Through Streets – Stop  
65.02 Stop Required  
65.03 Three-Way Stop Intersections  
65.04 Four-Way Stop Intersections  
65.05 Yield Required

65.06 School Stops  
65.07 Stop Before Crossing Sidewalk  
65.08 Stop When Traffic Is Obstructed  
65.09 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. Mill Avenue from Broadway Street to Circle Drive;
2. First Avenue from the west corporate limit to the east corporate limit;
3. Fifth Street from First Avenue to Sixth Avenue;
4. Fifth Avenue from Broadway Street to Seventh Street;
5. Broadway Street from First Avenue to Seventh Avenue.

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

*(Code of Iowa, Sec. 321.345)*

1. High Avenue. Vehicles traveling west on High Avenue shall stop at Sixth Street South (also known as County Road X-20 and Springville Road);
2. Fifth Street. Vehicles traveling north on Fifth Street shall stop at High Avenue;
3. Sixth Avenue. Vehicles traveling west on Sixth Avenue shall stop at Seventh Street;
4. Seventh Avenue. Vehicles traveling west on Seventh Avenue shall stop at Seventh Street;
5. Sixth Street. Vehicles traveling north and south on Sixth Street shall stop at Third Avenue and Fourth Avenue;
6. Eighth Street. Vehicles traveling north on Eighth Street shall stop at First Avenue and Mill Avenue, and vehicles traveling south on Eighth Street shall stop at First Avenue;
7. Fawn Avenue. Vehicles traveling east on Fawn Avenue shall stop at Sixth Street South (also known as County Road X-20 and Springville Road), and vehicles traveling west on Fawn Avenue shall stop at Eighth Street;
8. Heather Lane. Vehicles traveling north on Heather Lane shall stop at Fawn Avenue.

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

1. Intersection of First Avenue and Sixth Street. Vehicles approaching the intersection of First Avenue and Sixth Street from the west, east, and north shall stop before entering such intersection.

**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 Fifth Street and Second Avenue.

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

*(Code of Iowa, Sec. 321.345)*

1. Mill Avenue. Vehicles traveling west on Mill Avenue shall yield at Circle Drive;
2. Fifth Street. Vehicles traveling south on Fifth Street shall yield at High Avenue;
3. Sixth Street. Vehicles traveling north on Sixth Street shall yield at Fifth Avenue;
4. Fourth Street. Vehicles traveling on Fourth Street shall yield at Liberty Avenue.

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

*(Code of Iowa, Sec. 321.249)*

– NONE –

**65.07 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)*

**65.08 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.

**65.09 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)*

*(Chapter 65 – Ord. 7-2022 – Dec. 22 Supp.)*

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## CHAPTER 66

### LOAD AND WEIGHT RESTRICTIONS

#### 66.01 Temporary Embargo

#### 66.02 Permits for Excess Size and Weight

**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 Mayor 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)*

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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. The alley between Fourth Street and Broadway Street shall be southbound only from the railroad tracks to Liberty Avenue.
2. Academy Street shall be westbound only between Mill Avenue and 5<sup>th</sup> Street.  
*(Ord. 5-2018 – Nov. 18 Supp.)*

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## CHAPTER 69

# PARKING REGULATIONS

69.01 Park Adjacent to Curb	69.09 All Night Parking Prohibited
69.02 Park Adjacent to Curb – One-Way Street	69.10 Motor Truck, Trailer, Semi-Trailer or Truck Tractor Parking Limited
69.03 Angle Parking	69.11 Parking Limited to Fifteen Minutes
69.04 Angle Parking – Manner	69.12 Snow Emergency
69.05 Parking for Certain Purposes Illegal	69.13 Snow Routes
69.06 Parking Prohibited	69.14 Controlled Access Facilities
69.07 Persons With Disabilities Parking	
69.08 No Parking Zones	

**69.01 PARK ADJACENT TO CURB.** No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

*(Code of Iowa, Sec. 321.361)*

**69.02 PARK ADJACENT TO CURB – ONE-WAY STREET.** No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

*(Code of Iowa, Sec. 321.361)*

**69.03 ANGLE PARKING.** Angle or diagonal parking is permitted only in the following locations:

*(Code of Iowa, Sec. 321.361)*

1. Broadway Street on the west side from Fourth Street to Liberty Avenue and in front of 169 Broadway (the United Methodist Church) and 165 Broadway (the Springville Presbyterian Church);
2. Broadway Street on the east side from Fourth Street to Liberty Avenue;
3. Liberty Avenue on the north side from Broadway Street to the alley between Broadway Street and Fourth Street.
4. Academy Street on the south side from Mill Avenue to 5<sup>th</sup> Avenue.

*(Section 69.03 – Ord. 5-2018 – Nov. 18 Supp.)*

**69.04 ANGLE PARKING – MANNER.** Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle or the load thereon, when said vehicle is parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.

*(Code of Iowa, Sec. 321.361)*

**69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL.** No person shall park a vehicle upon public property for more than 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 twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.

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

4. Sidewalks. On or across a sidewalk.  
*(Code of Iowa, Sec. 321.358[1])*

5. Driveway. In front of a public or private driveway.  
*(Code of Iowa, Sec. 321.358[2])*

6. Intersection. Within an intersection or within ten (10) feet of an intersection of any street or alley.

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

7. Fire Hydrant. Within five (5) feet of a fire hydrant.  
*(Code of Iowa, Sec. 321.358[4])*

8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.

*(Code of Iowa, Sec. 321.358[6])*

9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.

*(Code of Iowa, Sec. 321.358[8])*

10. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.

*(Code of Iowa, Sec. 321.358[9])*

11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

*(Code of Iowa, Sec. 321.358[10])*

12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

*(Code of Iowa, Sec. 321.358[11])*

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.

*(Code of Iowa, Sec. 321.358[13])*

14. Churches, Nursing Homes and Other Buildings. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

*(Code of Iowa, Sec. 321.360)*

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is eighteen (18) feet wide or less; provided said vehicle is parked to deliver goods or services.

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

16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

*(Code of Iowa, Sec. 321.358[15])*

17. 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. Broadway Street from First Avenue to a point 100 feet north of First Avenue;
2. Fifth Street from First Avenue to a point 100 feet north of First Avenue;
3. J.R. Barnes Parkway from First Avenue to a point 100 feet north of First Avenue;
4. Circle Drive from Mill Avenue to Mill Avenue on the inside of the circle;
5. Mill Avenue on north side from Circle Drive east 600 feet;
6. Alley immediately behind the business block running parallel with Broadway Street;
7. Heather Lane the entire length of the east side;
8. Fawn Avenue the entire length of the south side;
9. High Avenue on the north side from Fourth Street east to First Street from 8:00 a.m. to 4:00 p.m.;
10. Fifth Street on the east side from the bridge north to Fifth Avenue from 8:00 a.m. to 4:00 p.m.;
11. Mill Avenue on the north side from Academy Street to Fifth Street;
12. JR Barnes Parkway the entire length on the east side;
13. Fifth Street on the east side from the southern City limits north to High Avenue;
14. Fifth Street on the east side from High Avenue north to Mill Avenue from 8:00 a.m. to 4:00 p.m.;
15. Fifth Street on the east side from Mill Avenue north to Academy Street;
16. Fifth Street on the west side from Academy Street to the north of the bridge;
17. North Avenue on the south side from Seventh Street to Broadway Street;

18. Eighth Street South on the west side commencing at First Avenue;
  19. South side of Wild Pine Court commencing at 8<sup>th</sup> Street;
  20. East side of 4<sup>th</sup> Street from 1<sup>st</sup> Avenue to Mill Avenue;
  21. N. Broadway St. from the City limits to 5<sup>th</sup> Avenue on both sides;
  22. East Side of 8<sup>th</sup> Street from Mill Avenue, south to First Avenue;
  23. Academy Street on north side from Mill Avenue to 5<sup>th</sup> Street.
  24. First Avenue from the east City limits to Wendling Lane on both sides.
- (Section 69.08 – Ord. 3-2022 –Dec. 22 Supp.)*

**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 between the hours of 2:00 a.m. and 5:00 a.m. of any day.

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

1. Both sides of Broadway Street from Liberty Avenue to North Avenue;
2. West nine spaces in the City Parking Lot located at Broadway Street and John Street;
3. John Street from Broadway Street to Water Street;
4. Both sides of Liberty Avenue from Broadway Street to the alley located approximately 120 feet west, running behind the business block.

**69.10 MOTOR TRUCK, TRAILER, SEMI-TRAILER OR TRUCK TRACTOR PARKING LIMITED.** No person shall park a motor truck, trailer, semi-trailer or truck tractor which, alone or in combination, exceeds 80 inches in width and/or 20 feet in length in violation of the following regulations.

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

1. **Parking Prohibited.** No person shall leave parked or unattended any such vehicle on any street for a period longer than sixty (60) minutes between sunrise and sunset or for a period longer than thirty (30) minutes between sunset and sunrise, except when such vehicles are actually engaged in loading or unloading, or while making necessary minor repairs.
2. **Noise.** No such vehicle shall be left standing or parked upon any street, alley, public or private parking lot, or drive of any service station between the hours of 9:00 p.m. and 7:00 a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes.
3. **Livestock.** No such vehicle containing livestock shall be parked on any street, alley or highway for a period of time of more than thirty (30) minutes.

**69.11 PARKING LIMITED TO FIFTEEN MINUTES.** It is unlawful to park any vehicle for a continuous period of more than fifteen (15) minutes between the hours of 7:00 a.m. and 7:00 p.m. on each weekday except Saturday, and between the hours of 7:00 a.m. and 10:00 p.m. on Saturday, upon the following designated streets:

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

1. On Broadway Street, two (2) spaces in front of the Post Office.

**69.12 SNOW EMERGENCY.** A snow emergency is defined as any accumulation of snow requiring street clearance. If the accumulation is due to a snow or ice storm, the emergency shall continue through the duration of the snow or ice storm and the forty-eight (48) hour period after cessation of such storm. If the accumulation is not due to a snow or ice storm, the emergency shall continue for 48 hours from the emergency declaration. Such emergency conditions shall be determined by the Mayor or Mayor Pro-tem, and may be extended or shortened when conditions warrant. No person shall park, abandon or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area, except the City Parking Lot on Main Street, during any snow emergency unless the snow has been removed or plowed from said street or alley or until the snow has ceased to fall. When predictions or occurrences indicate the need, the Mayor or Mayor Pro-tem shall proclaim a snow emergency and the Mayor shall inform the news media to publicize the proclamation and the parking rules under the emergency. Such emergency may be extended or shortened when conditions warrant.

**69.13 SNOW ROUTES.** The Council may designate certain streets in the City as snow routes. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic.

*(Code of Iowa, Sec. 321.236[12])*

**69.14 CONTROLLED ACCESS FACILITIES.** Parking restrictions on controlled access facilities are as specified in Chapter 141 of this Code of Ordinances.

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## CHAPTER 70

# TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation

70.02 Scheduled Violations

70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended

70.05 Presumption in Reference to Illegal Parking

70.06 Impounding Vehicles

**70.01 ARREST OR CITATION.** Whenever a peace officer has reasonable cause to believe that a person has violated any provision of the Traffic Code, such officer may:

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or
2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety, or issue a uniform citation and complaint utilizing a State-approved computerized device.

*(Code of Iowa, Sec. 805.6 & 321.485)*

**70.02 SCHEDULED VIOLATIONS.** For violations of the Traffic Code which are designated by Section 805.8A of the *Code of Iowa* to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8A of the *Code of Iowa*.

*(Code of Iowa, Sec. 805.8 & 805.8A)*

**70.03 PARKING VIOLATIONS: ALTERNATE.** Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine of five dollars (\$5.00) payable at the office of the City Clerk.

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

**70.04 PARKING VIOLATIONS: VEHICLE UNATTENDED.** When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

**70.05 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.** In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code, and
2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

**70.06 IMPOUNDING VEHICLES.** The Mayor, Mayor Pro-tem, or a peace officer shall be authorized to cause the towing of vehicles blocking traffic or parking on a Springville public street, alley, or City-owned off-street parking area to the nearest garage or other place of safety under the circumstances hereinafter enumerated:

1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason

of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

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

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

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

3. Snow Emergency. After a Snow Emergency is proclaimed by the Mayor or the Mayor Pro-tem or during snow removal operations, any vehicle left parked in the roadway, alley, or on City owned areas more than twenty-four (24) hours is in violation.

4. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, the owner shall be given an opportunity to remove the vehicle.

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

5. Costs. The owner of the vehicle shall pay the costs of towing and storage occasioned by the removal of the vehicle. A violation of this section shall be subject to the provisions of Section 70.03 of this Code of Ordinances.

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## CHAPTER 74

# OPERATION OF GOLF CARTS ON CITY STREETS

### 74.01 Purpose

### 74.02 Definitions

### 74.03 Operation of Golf Carts Permitted

### 74.04 Unlawful Operation

### 74.05 Equipment

### 74.06 Times of Operation

### 74.07 Speed

### 74.08 Penalty

**74.01 PURPOSE.** The purpose of this chapter is to permit the operation of golf carts in the City, as authorized by Section 321.247 of the *Code of Iowa*, as amended. This chapter applies whenever a golf cart is operated on any street or alley of the City of Springville, Iowa.

### 74.02 DEFINITIONS.

1. “Golf cart” means a three- or four-wheeled recreational vehicle generally used for transportation of persons in the sport of golf.
2. “Operate” means to ride in or on other than a passenger, use, or control the operation of a golf cart in any manner, whether or not the golf cart is moving.
3. “Operator” means a person, who operates or is in actual physical control of a golf cart.
4. “Roadway” means that portion of a highway improved, designated or ordinarily used for vehicular travel.
5. “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 the purpose of vehicular travel.

**74.03 OPERATION OF GOLF CARTS PERMITTED.** Golf carts may be operated upon City streets by persons possessing a valid driver’s license, and at least sixteen (16) years of age.

### 74.04 UNLAWFUL OPERATION.

1. No golf cart shall be operated or parked upon City sidewalks or in City parks, except in designated areas.
2. No golf cart shall be operated while under the influence of intoxicating liquor, narcotics or habit-forming drugs.
3. No person shall operate a golf cart in a careless, reckless or negligent manner endangering the person or property of another or causing injury or damage the same.
4. The number of occupants in the motorized golf cart may not exceed the design occupant load.
5. Operator of the golf cart must be in the driver’s seat.
6. No golf cart shall be operated on City streets unless financial liability coverage (insurance) is in effect for the vehicle and the driver has proof of insurance in his/her possession.

**74.05 EQUIPMENT.** Golf carts operated upon City streets shall be equipped with a minimum of the following safety features:

1. A slow-moving vehicle sign.
2. A bicycle safety flag, the top of which shall be a minimum of five (5) feet from ground level.
3. Adequate brakes.
4. A “quiet” stock muffler that does not violate the City’s noise ordinance.

**74.06 TIMES OF OPERATION.** Golf carts may be operated on City streets only between sunrise and sunset unless equipped with headlights and taillights. They shall not be operated when visibility is such that there is insufficient light or lighting to clearly see persons and vehicles at a distance of 500 feet.

**74.07 SPEED.** All golf carts shall operate at speeds no more than posted and obey all traffic laws.

**74.08 PENALTY.** In addition to the suspension or revocation of the permit a person who violated this chapter is guilty of a simple misdemeanor punishable as a scheduled violation under the *Code of Iowa*.

*(Code of Iowa, Sec. 321.247)*

*(Ch. 74 – Ord. 9-2022 – Dec. 22 Supp.)*

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## CHAPTER 75

# ALL-TERRAIN VEHICLES, UTILITY VEHICLES, AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of Snowmobiles Prohibited

75.05 Operation of All-Terrain Vehicles and Utility  
Vehicles on Roadways

75.06 Negligence

**75.01 PURPOSE.** The purpose of this chapter is to regulate the operation of all-terrain vehicles, utility vehicles, and snowmobiles within the City.

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

1. “All-terrain vehicle” or “ATV” means a motorized vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than 1,200 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

*(Code of Iowa, Sec. 321I.1)*

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the *Code of Iowa*, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

*(Code of Iowa, Sec. 321I.1)*

3. “Off-road utility vehicle” means a motorized vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks, that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. “Off-road utility vehicle” includes the following vehicles:

*(Code of Iowa, Sec. 321I.1)*

A. “Off-road utility vehicle – Type 1 means an off-road utility vehicle with a total dry weight of 1,200 pounds or less and a width of 50 inches or less.

B. “Off-road utility vehicle – Type 2 means an off-road utility vehicle, other than off-road utility vehicle-Type 1, with a total dry weight of 2,000 pounds or less and a width of 65 inches or less.

C. “Off-road utility vehicle – Type 3 means an off-road utility vehicle with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

4. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

*(Code of Iowa, Sec. 321G.1)*

**75.03 GENERAL REGULATIONS.** No person shall operate an ATV, snowmobile, or UTV within the City in violation of the provisions of Chapter 321G of the *Code of Iowa* or rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment, and manner of operation.

*(Section 75.03 – Ord. 8-2022 – Dec. 22 Supp.)*

**75.04 OPERATION OF SNOWMOBILES PROHIBITED.** No person shall operate a snowmobile within the City of Springville.

**75.05 OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY VEHICLES ON ROADWAYS.** A registered ATV or UTV may be operated on City roadways pursuant to the restrictions in this section and those restrictions imposed by the *Code of Iowa*. A person shall not operate an ATV or UTV on City roadways unless the operator has a valid driver’s license and is at least 18 years of age.

Passengers under the age of 18 must wear an ATV safety helmet.

1. Unlawful Operation. A person shall not operate an all-terrain vehicle and/or off-road utility vehicle under any of the following conditions:

- A. At a rate of speed not greater than the posted speed limit, but not to exceed the maximum speed of 35 mph.
- B. In a careless, reckless, or negligent manner so as to:
  - (1) Endanger any person;
  - (2) Cause injury or damage to person or property; or
  - (3) Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lost contact with the ground.
- C. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
- D. Without the following equipment:
  - (1) Properly functioning headlight and taillight, operational brakes, functioning brake lights, horn, and rearview mirror on UTV.
  - (2) A properly functioning muffling device that complies with the standards and procedures required by Section 321I.12 of the *Code of Iowa*.
  - (3) Rearview mirror, if the all-terrain vehicle is so equipped.
- E. Without wearing a properly adjusted and fastened seatbelt if the all-terrain or off-road utility vehicle is so equipped.

- F. In any tree nursery or planting in a manner which damages or destroys growing stock.
  - G. On any public land, public ice, or designated riding trail in violation of official signs prohibiting such operation.
  - H. In any park, wildlife area, preserve, refuge, or game management area, except on designated riding areas identified by the Department of Natural Resources or designated riding areas identified by the City.
  - I. Any portion of a meandered stream or the bed on a non-meandered stream which has been identified as a navigable stream or river by the Iowa Department of Natural Resources and which is covered by water. This provision does not apply to designated riding areas, designated riding trails, construction vehicles engaged in lawful activity, and/or the operation of all-terrain vehicles on ice.
  - J. With more persons on the vehicle than it was designed to carry. This paragraph does not apply to a person who operates an all-terrain vehicle or off-road utility vehicle as part of a farm operation as defined in Section 352.2 of the *Code of Iowa*.
  - K. On any riding area or trail unless the trail is designated by signs as open to all-terrain and off-road utility vehicle operation.
  - L. Without a valid driver's license.
2. Owners of UTVs, operated within City limits, shall register their UTV with the Iowa Department of Natural Resources and proof of such registration shall be provided, upon request, to any peace officer requesting it. Out-of-state UTV operators must provide appropriate proof of registration from their home state upon request by any peace officer.
3. Exempt Vehicles. Registration shall not be required for:
- A. All-terrain vehicles and/or off-road utility vehicles used exclusively as farm implements.
  - B. All-terrain or off-road utility vehicles owned by the United States, this State or another state, or by a governmental subdivision thereof, and used for enforcement, search and rescue, or official purposes, but not for recreational or commercial purposes.
  - C. All-terrain vehicles used in accordance with Section 321.234A(1)(a) of the *Code of Iowa*.
4. Penalties. Violation of this ordinance shall constitute a simple misdemeanor punishable by a fine of \$65.00 to \$625.00, plus the applicable court surcharge and costs and/or up to 30 days in jail as set forth in Section 903.1(1)(a) of the *Code of Iowa*. Any amendments to the simple misdemeanor penalties of Section 903.1(1)(a) of the *Code of Iowa* shall be automatically incorporated into this section without the need of amending this ordinance.

(Section 75.05 – Ord. 8-2022 – Dec. 22 Supp.)

**75.06 NEGLIGENCE.** The owner and operator of an all-terrain vehicle or utility vehicle is liable for any injury or damage occasioned by the negligent operation of the all-terrain vehicle or utility vehicle. The owner of an all-terrain vehicle or utility vehicle shall be liable for any

such injury or damage only if the owner was the operator of the all-terrain vehicle or utility vehicle at the time the injury or damage occurred or if the operator had the owner's consent to operate the all-terrain vehicle or utility vehicle at the time the injury or damage occurred.

*(Code of Iowa, Sec. 321G.18 and 321I.19)*

*(Ch. 75 – Ord. 18-2021 – Aug. 21 Supp.)*

## CHAPTER 76

### BICYCLE REGULATIONS

76.01 Scope of Regulations  
76.02 Traffic Code Applies  
76.03 Double Riding Restricted  
76.04 Two Abreast Limit  
76.05 Bicycle Paths  
76.06 Speed  
76.07 Emerging from Alley or Driveway

76.08 Carrying Articles  
76.09 Riding on Sidewalks  
76.10 Towing  
76.11 Improper Riding  
76.12 Parking  
76.13 Equipment Requirements  
76.14 Special Penalty

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

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

**76.02 TRAFFIC CODE APPLIES.** Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic code of the City applicable to the driver of a vehicle, except as to those provisions 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)*

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

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

**76.04 TWO ABREAST LIMIT.** Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. All bicycles ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

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

**76.05 BICYCLE PATHS.** Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

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

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

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

**76.07 EMERGING FROM ALLEY OR DRIVEWAY.** The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

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

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

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

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

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

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

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

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

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

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

**76.10 TOWING.** It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City unless the vehicle is manufactured for such use.

**76.11 IMPROPER RIDING.** No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding, or otherwise so as to disregard the safety of the operator or others.

**76.12 PARKING.** No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

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

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

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least three hundred (300) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear except that a red reflector on the rear, of a type which shall be visible from all distances from fifty (50) feet to 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])*

**76.14 SPECIAL PENALTY.** Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of the Code

of Ordinances, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

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## CHAPTER 80

### ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Reclamation of Abandoned Vehicles

80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

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

*(Code of Iowa, Sec. 321.89[1])*

1. “Abandoned vehicle” means any of the following:
  - A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.
  - B. A vehicle that has remained illegally on public property for more than 24 hours.
  - C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than 24 hours.
  - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.
  - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
  - F. A vehicle that has been impounded pursuant to Section 321J.4B of the *Code of Iowa* by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. “Demolisher” means a person licensed under Chapter 321H of the *Code of Iowa* whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.
3. “Police authority” means the Iowa state patrol or any law enforcement agency of a county or city.

**80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES.** A police authority, upon the authority’s own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity which is a garage keeper (any operator of a parking

place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles) to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

*(Code of Iowa, Sec. 321.89[2])*

### **80.03 NOTICE BY MAIL.**

1. A police authority or private entity that takes into custody an abandoned vehicle shall send notice by certified mail that the vehicle has been taken into custody no more than 20 days after taking custody of the vehicle. Notice shall be sent to the last known address of record of the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle.
2. Notice shall be deemed given when mailed. The notice shall include all of the following:
  - A. A description of the year, make, model, and vehicle identification number of the vehicle.
  - B. The location of the facility where the vehicle is being held.
  - C. Information for the persons receiving the notice of their right to reclaim the vehicle and personal property contained therein within 10 days after the effective date of the notice. Persons may reclaim the vehicle or personal property 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 required pursuant to this section.
  - D. A statement that failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders, and claimants of all right, title, claim, and interest in the vehicle or personal property.
  - E. A statement that failure to reclaim the vehicle or personal property is deemed consent for the police authority or private entity to sell the vehicle at a public auction or dispose of the vehicle to a demolisher and to dispose of the personal property by sale or destruction.
3. 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, Subsection 1, of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle.
4. 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 personal property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters.
5. 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.

6. 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.

7. If it is impossible to determine with reasonable certainty the identities 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 Subsection 2 of this section. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Subsection 2 of this section.

*(Code of Iowa, Sec. 321.89[3])*

*(Section 80.03 – Ord. 6-2022 – Dec. 22 Supp.)*

**80.04 RECLAMATION OF ABANDONED VEHICLES.** Prior to driving an abandoned vehicle away from the premises, a person who received or who is reclaiming the vehicle on behalf of a person who received notice under Section 80.03 shall present to the police authority or private entity, as applicable, the person's valid driver's license and proof of financial liability coverage as provided in Section 321.20B of the *Code of Iowa*.

*(Code of Iowa, Sec. 321.89[3a])*

*(Section 80.04 – Ord. 6-2022 – Dec. 22 Supp.)*

**80.05 FEES FOR IMPOUNDMENT.** The owner, lienholder, or claimant shall pay all towing and storage fees as established by the storage facility, whereupon the vehicle shall be released.

*(Code of Iowa, Sec. 321.89[3a])*

**80.06 DISPOSAL OF ABANDONED VEHICLES.** If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

*(Code of Iowa, Sec. 321.89[4])*

**80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES.** The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

*(Code of Iowa, Sec. 321.90[2e])*

**80.08 PROCEEDS FROM SALES.** Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing, and notification required, in accordance with State law. Any balance shall be held for the owner of the motor

vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

*(Code of Iowa, Sec. 321.89[4])*

**80.09 DUTIES OF DEMOLISHER.** Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle, or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

*(Code of Iowa, Sec. 321.90[3a])*

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**WATER**

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## CHAPTER 90

# WATER SERVICE SYSTEM

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**90.01 DEFINITIONS.** The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Combined service account" means a customer service account for the provision of two or more utility services.
2. "Customer" means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
3. "Superintendent" means the Superintendent of the City water system or any duly authorized assistant, agent or representative.
4. "Water main" means a water supply pipe provided for public or community use.
5. "Water service pipe" means the pipe from the water main to the building served.
6. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

**90.02 SUPERINTENDENT'S DUTIES.** The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

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

**90.03 MANDATORY CONNECTIONS.** All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

**90.04 ABANDONED CONNECTIONS.** When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation stop and made absolutely watertight.

**90.05 PERMIT.** Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name, and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within sixty (60) days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

**90.06 PERMIT FEE AND CONNECTION CHARGES.** Before any permit is issued, the person who makes the application shall pay the following charges:

*(Code of Iowa, Sec. 384.84)*

1. Permit Fee. Any person who makes application for a permit shall pay ten dollars (\$10.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspection of the work
2. Meter Charge. Every new connection to the water system will pay one hundred fifty dollars (\$150.00) to the Clerk to cover the cost of the furnished 5/8-inch meter, 3/4-inch gate valve and any required inspection of the hook-up.
3. Water Tap Charge. If a new tap to the water main is required to install service to a property, an additional one hundred fifty dollars (\$150.00) will also be paid to the Clerk to cover the cost of the furnished curb box, valve box, 3/4-inch corporation on the main, 3/4-inch service line from the main to the property line, installation of the same, and any required inspection of the hook-up.

**90.07 COMPLIANCE WITH PLUMBING CODE.** The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the *State Plumbing Code*.

**90.08 PLUMBER REQUIRED.** All installations of water service pipes and connections to the water system shall be made by a state-licensed plumber.

**90.09 EXCAVATIONS.** All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with the *State Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

**90.10 TAPPING MAINS.** All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accord with the following:

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

1. Independent Services. No more than one house, building, or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building, or premises may be shut off independently of the other.

2. **Sizes and Location of Taps.** All mains six (6) inches or less in diameter shall receive no larger than a  $\frac{3}{4}$ -inch tap. All mains of over six inches in diameter shall receive no larger than a one-inch tap. Where a larger connection than a one-inch tap is desired, two or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made in the top half of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.
3. **Corporation Stop.** A brass corporation stop, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation stop in the main shall be of the same size as the service pipe.
4. **Location Record.** An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

**90.11 INSTALLATION OF WATER SERVICE PIPE.** Water service pipes from the main to the meter setting shall be Type K copper. The use of any other pipe material for the service line shall first be approved by the Superintendent. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

**90.12 RESPONSIBILITY FOR WATER SERVICE PIPE.** All costs and expenses incident to the installation, connection, and maintenance of the water service pipe from the curb valve to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

**90.13 FAILURE TO MAINTAIN.** When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property.

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

**90.14 CURB VALVE.** There shall be installed within the public right-of-way a main shut-off valve on the water service pipe of a pattern approved by the Superintendent. The shut-off valve shall be constructed to be visible and even with the pavement or ground.

**90.15 INTERIOR VALVE.** There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

**90.16 INSPECTION AND APPROVAL.** All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

**90.17 COMPLETION BY THE CITY.** Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit, and the plumber's bond or cash deposit shall be security for the assessment. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

**90.18 SHUTTING OFF WATER SUPPLY.** The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

**90.19 OPERATION OF CURB VALVE AND HYDRANTS.** It is unlawful for any person except the Superintendent to turn water on at the curb valve, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

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## CHAPTER 91

### WATER METERS

91.01 Purpose	91.05 Meter Setting
91.02 Water Use Metered	91.06 Meter Costs
91.03 Fire Sprinkler Systems; Exception	91.07 Meter Repairs
91.04 Location of Meters	91.08 Right of Entry

**91.01 PURPOSE.** The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

**91.02 WATER USE METERED.** All water furnished customers shall be measured through meters furnished by the City and installed by the City.

**91.03 FIRE SPRINKLER SYSTEMS; EXCEPTION.** Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

**91.04 LOCATION OF METERS.** All meters shall be so located that they are easily accessible to reading devices, repairmen and protected from freezing.

*(Ord. 4-2016 – May 16 Supp.)*

**91.05 METER SETTING.** The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

**91.06 METER COSTS.** The full cost of any meter larger than that required for a single-family residence shall be paid to the City by the property owner or customer prior to the installation of any such meter by the City, or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City.

**91.07 METER REPAIRS.** Whenever a water meter owned by the City is found to be out of order the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

**91.08 RIGHT OF ENTRY.** The Superintendent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

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## CHAPTER 92

### WATER RATES

92.01 Service Charges  
92.02 Rates For Service  
92.03 Rates Outside the City  
92.04 Billing for Water Service  
92.05 Service Discontinued

92.06 Lien for Nonpayment  
92.07 Lien Exemption  
92.08 Lien Notice  
92.09 Customer Deposits  
92.10 Temporary Vacancy

**92.01 SERVICE CHARGES.** Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

*(Code of Iowa, Sec. 384.84)*

**92.02 RATES FOR SERVICE.** Water service shall be furnished at the following rates within the City:

1. Meter Rates. Service provided through meters shall be charged for in accordance to the following:
  - A. First 2,000 gallons used per month @ \$15.90 per month (minimum charge);
  - B. All usage over 2,000 gallons per month @ \$7.72 per \$1,000 gallons or part thereof.
  - C. Flat charge of \$3.30 per month for the Debt Service Retirement Fund.
2. Bulk Rates. Water used for commercial purposes from the pump, at the tower, or from hydrants or hoses shall be paid for at the rate of \$7.25 per 1,000 gallons.

*(Section 92.02 – Ord. 1-2022 – Dec. 22 Supp.)*

**92.03 RATES OUTSIDE THE CITY.** Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at rates 133⅓% of the rates provided in Section 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules, and regulations applying to water service established by the Council. Except, those customers outside the corporate limits that are currently (as of October 1, 2014) benefitting from water service provided to them at the regular consumer rate shall be grandfathered in and shall be exempt from the 133⅓% service rate for customers located outside the corporate limits.

*(Code of Iowa, Sec. 364.4 and 384.84)*

**92.04 BILLING FOR WATER SERVICE.** Water service shall be billed as part of a combined service account, payable in accordance with the following:

*(Code of Iowa, Sec. 384.84)*

1. Each customer having a water bill payment due, if payment is not delivered by the 15th of the month, it shall be assessed a charge of fifteen dollars (\$15.00) in

addition to the minimum water charge. Each billing account will be forgiven one waiver per year (January through December) of the \$15.00 charge.

2. Bills Issued. The clerk shall prepare and issue bills for combined service accounts on or before the first day of the month.

3. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the 15th day of the same month or the first business day thereafter if the 15th is on a Saturday, Sunday, or legal holiday.

4. Partial Payments. No partial payments of the amount due will be accepted by the City.

5. Late Charge. Bills not paid by 8:00 a.m. on the first business day following the due date shall be considered delinquent. *(Ord. 5-2016 – May 16 Supp.)*

**92.05 SERVICE DISCONTINUED.** Water service to delinquent customers shall be discontinued in accordance with the following:

*(Code of Iowa, Sec. 384.84)*

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.

2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.

3. Hearing. If a hearing is requested by the end of the business day preceding the day of shutoff, the Council shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. If the Council finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.

4. Fees. A fee of fifty dollars (\$50.00) (during business hours) or one hundred and fifty dollars (\$150.00) (after regular business hours) shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

**92.06 LIEN FOR NONPAYMENT.** The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

**92.07 LIEN EXEMPTION.**

*(Code of Iowa, Sec. 384.84)*

1. **Water Service Exemption.** The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.
2. **Other Service Exemption.** The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.
3. **Written Notice.** The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within 30 business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within 10 business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within 30 business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within 10 business days of the completion of the change of ownership.

**92.08 LIEN NOTICE.** A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than 30 days prior to certification of the lien to the County Treasurer.

*(Code of Iowa, Sec. 384.84)*

**92.09 CUSTOMER DEPOSITS.** Any potential customer making application to use water supplied by the City for property said customer will rent or lease from the property owner shall pay a deposit of one hundred fifty dollars (\$150.00) to the Clerk. Such customer deposits shall be held by the City in a Trust and Agency Fund. The deposit shall be returned

after the account is closed and any outstanding charges deducted. Should any such account remain active but become delinquent by nonpayment of the bill with thirty (30) days of the billing date, the Council may have the outstanding bill deducted from the deposit and require a new deposit. The water deposit amount will be increased for habitual delinquency.

*(Code of Iowa, Sec. 384.84)*

*(Ord. 5-2016 – May. 16 Supp.)*

**92.10 TEMPORARY VACANCY.** A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

## CHAPTER 93

# WATER LINE EXTENSIONS

93.01 Purpose  
93.02 Definitions

93.03 Construction by City  
93.04 Rights of City

**93.01 PURPOSE.** The purpose of this chapter is to provide a means and method for the extension of water mains to serve property not served by an existing water line so as to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the residents of the City.

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

1. “Builder” means the owner of land who causes a water main to be installed under the provisions of this chapter. Such term includes the heirs, successors, or assigns of such owner.
2. “Estimated cost” means a cost estimate prepared by a registered professional engineer or qualified contractor experienced in the installation of water main pipe and appurtenances. All such estimates are subject to the approval of the Council and in the event of any disagreement as to the amount of estimated costs, the materials to be used, or installation methods, the determination of the Council shall be final and conclusive.

**93.03 CONSTRUCTION BY CITY.** An owner of land abutting or adjoining a public street where no water main has been installed may make application to the Council for the installation of a water main in said street for the purpose of serving the property in accordance with the following:

1. Application and Deposit. A written request for such installation and a sum equal to the total estimated cost of the installation, from the point where the water main is presently installed and terminates to the point where the most distant boundary of the owner’s lot abuts the public street, shall be submitted to the Council.
2. Construction. Upon receipt of the deposit, the City shall construct the water main for the purpose of serving the property of the applicant (builder), as soon as such construction can reasonably be accomplished.
3. Additional Costs. In the event the actual cost to the City of installation of the water main is in excess of the estimated cost, the builder agrees to reimburse the City for the actual additional cost within thirty (30) days after the presentation of a bill for such additional cost.
4. Lien Authorized. In the event of the failure of the builder to reimburse the City, as specified in subsection 3 above, the total of the additional cost shall be certified to the County Treasurer as a special assessment lien against the builder’s real estate. In the written request for installation of the water main, the landowner shall waive all objections to jurisdiction and rights to notice and consent to the entry of such a special assessment lien against the real estate.

5. Maximum Cost. The additional cost of installation, as contemplated in subsections 3 and 4 above, shall not exceed one hundred ten percent (110%) of the estimated cost.

6. Connecting Property. The expense of connecting the property of the builder to the water main laid in the public street shall be borne by the builder, in addition to the cost of constructing said water main, but such connection shall be under the supervision of the City.

**93.04 RIGHTS OF CITY.** All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the City and such extension shall be the property of the City and no other person shall have any right, title or interest therein.

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**SANITARY SEWER**

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## CHAPTER 95

# SANITARY SEWER SYSTEM

95.01 Purpose  
95.02 Definitions  
95.03 Superintendent  
95.04 Prohibited Acts  
95.05 Sewer Connection Required

95.06 Service Outside the City  
95.07 Right of Entry  
95.08 Use of Easements  
95.09 Special Penalties

**95.01 PURPOSE.** The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety, and welfare.

**95.02 DEFINITIONS.** For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. "B.O.D." (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) C, expressed in milligrams per liter or parts per million.
2. "Building drain" means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. "Building sewer" means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.
4. "Combined sewer" means a sewer receiving both surface run-off and sewage.
5. "Customer" means any person responsible for the production of domestic, commercial, or industrial waste which is directly or indirectly discharged into the public sewer system.
6. "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
7. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. "Inspector" means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.
9. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
10. "On-site wastewater treatment and disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal

of wastewater from four or fewer dwelling units or other facilities serving the equivalent of fifteen persons (1500 gpd) or less.

11. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

12. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

13. “Sanitary sewage” means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm, surface water, and industrial waste.

14. “Sanitary sewer” means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

15. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

16. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.

17. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.

18. “Sewer” means a pipe or conduit for carrying sewage.

19. “Sewer service charges” means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.

20. “Slug” means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration or flows during normal operation.

21. “Storm drain” or “storm sewer” means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

22. “Superintendent” means the Superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.

23. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

24. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

**95.03 SUPERINTENDENT.** The Superintendent shall exercise the following powers and duties:

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

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.

3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

**95.04 PROHIBITED ACTS.** No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewer system.

*(Code of Iowa, Sec. 716.1)*

2. Surface Run-off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.

4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

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

6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

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

**95.05 SEWER CONNECTION REQUIRED.** The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within ninety (90) days after date of official notice from the City to do so provided that said public sewer is located within one hundred (100) feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

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

*(IAC, 567-69.1[3])*

**95.06 SERVICE OUTSIDE THE CITY.** The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

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

**95.07 RIGHT OF ENTRY.** The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of these Sanitary Sewer chapters. The Superintendent or representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

**95.08 USE OF EASEMENTS.** The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**95.09 SPECIAL PENALTIES.** The following special penalty provisions shall apply to violations of these Sanitary Sewer chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except subsections 1, 3, and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

## CHAPTER 96

### BUILDING SEWERS AND CONNECTIONS

96.01 Permit  
96.02 Permit Fee  
96.03 Plumber Required  
96.04 Excavations  
96.05 Connection Requirements

96.06 Interceptors Required  
96.07 Sewer Tap  
96.08 Inspection Required  
96.09 Property Owner's Responsibility  
96.10 Abatement of Violations

**96.01 PERMIT.** No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within sixty (60) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

**96.02 PERMIT FEE.** The person who makes the application shall pay a fee in the amount of two hundred dollars (\$200.00) for residential or four hundred dollars (\$400.00) for commercial or industrial properties to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.

**96.03 PLUMBER REQUIRED.** All installations of building sewers and connections to the public sewer shall be made by a State-licensed plumber.

**96.04 EXCAVATIONS.** All trench work, excavation, and backfilling required for the installation of a building sewer shall be performed in accordance with the provisions of the *State Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

**96.05 CONNECTION REQUIREMENTS.** Any connection with a public sanitary sewer must be made under the direct supervision of the Superintendent and in accordance with the following:

1. **Old Building Sewers.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the owner and observed by the Superintendent, to meet all requirements of this chapter.
2. **Separate Building Sewers.** A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

3. Installation. The installation and connection of the building sewer to the public sewer shall conform to the requirements of the *State Plumbing Code*, applicable rules and regulations of the City, or the procedures set forth in A.S.T.M. Specification C-12. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
4. Water Lines. When possible, building sewers should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer.
5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches.
6. Alignment and Grade. All building sewers shall be laid to a straight line to meet the following:
  - A. Recommended grade at one-fourth (1/4) inch per foot.
  - B. Minimum grade of one-eighth (1/8) inch per foot.
  - C. Minimum velocity of 2.00 feet per second with the sewer half full.
  - D. Any deviation in alignment or grade shall be made only with the written approval of the Superintendent and shall be made only with approved fittings.
7. Depth. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.
8. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
9. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in the *State Plumbing Code* except that the building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following:
  - A. Clay sewer pipe – A.S.T.M. C-700 (extra strength).
  - B. Extra heavy cast iron soil pipe – A.S.T.M. A-74.
  - C. Ductile iron water pipe – A.W.W.A. C-151.
  - D. P.V.C. – SDR26 – A.S.T.M. D-3034.
10. Bearing Walls. No building sewer shall be laid parallel to, or within three (3) feet of any bearing wall, which might thereby be weakened.
11. Jointing. Fittings, type of joint and jointing material shall be compatible with the type of pipe used, subject to the approval of the Superintendent. Solvent-welded joints are not permitted.
12. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings.

Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

13. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

**96.06 INTERCEPTORS REQUIRED.** Grease, oil, sludge and sand interceptors shall be provided by gas and service stations, convenience stores, car washes, garages, and other facilities when, in the opinion of the Superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. When required, such interceptors shall be installed in accordance with the following:

1. Design and Location. All interceptors shall be of a type and capacity as specified in the *State Plumbing Code*, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.
2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.
3. Maintenance. All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.

**96.07 SEWER TAP.** Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, a saddle "Y" shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued or attached with a gasket and stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent's direction if such connection is approved.

**96.08 INSPECTION REQUIRED.** All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid under ground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

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

**96.10 ABATEMENT OF VIOLATIONS.** Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice from the Council of such violation. If not made within such time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

## CHAPTER 97

### USE OF PUBLIC SEWERS

97.01 Storm Water  
97.02 Surface Waters Exception  
97.03 Prohibited Discharges  
97.04 Restricted Discharges

97.05 Restricted Discharges; Powers  
97.06 Special Facilities  
97.07 Control Manholes  
97.08 Testing of Wastes

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

**97.02 SURFACE WATERS EXCEPTION.** Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to be the best interests of the sewer system.

**97.03 PROHIBITED DISCHARGES.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Excessive B.O.D., Solids or Flow.
  - A. Any waters or wastes having (a) a five-day biochemical oxygen demand greater than 300 parts per million by weight, or (b) containing more

than 350 parts per million by weight of suspended solids, or (c) having an average daily flow greater than two percent of the average sewage flow of the City, shall be subject to the review of the Superintendent.

B. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to (i) reduce the biochemical oxygen demand to 300 parts per million by weight, or ii) reduce the suspended solids to 350 parts per million by weight, or (iii) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

**97.04 RESTRICTED DISCHARGES.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) F (65° C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances which may solidify or become viscous at temperatures between 32° F and 150° F (0° to 65° C).
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.
10. Unusual Wastes. Materials which exert or cause:
  - A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - B. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
  - C. Unusual B.O.D., chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
12. Damaging Substances. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.
13. Untreatable Wastes. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

**97.05 RESTRICTED DISCHARGES; POWERS.** If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

**97.06 SPECIAL FACILITIES.** If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

**97.07 CONTROL MANHOLES.** When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

**97.08 TESTING OF WASTES.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples).

## CHAPTER 98

### ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited  
98.02 When Required  
98.03 Compliance with Regulations  
98.04 Permit Required

98.05 Discharge Restrictions  
98.06 Maintenance of System  
98.07 Systems Abandoned  
98.08 Disposal of Septage

**98.01 WHEN PROHIBITED.** Except as otherwise provided in this chapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

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

**98.02 WHEN REQUIRED.** When a public sanitary sewer is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

*(IAC, 567-69.1[3])*

**98.03 COMPLIANCE WITH REGULATIONS.** The type, capacity, location, and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

*(IAC, 567-69.1[3 & 4])*

**98.04 PERMIT REQUIRED.** No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

**98.05 DISCHARGE RESTRICTIONS.** It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

*(IAC, 567-69.1[3])*

**98.06 MAINTENANCE OF SYSTEM.** The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

**98.07 SYSTEMS ABANDONED.** At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

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

**98.08 DISPOSAL OF SEPTAGE.** No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

## CHAPTER 99

### SEWER USER CHARGE SYSTEM

99.01 Charges Required	99.08 User Charges
99.02 Definitions	99.09 Responsibility for Increased Costs
99.03 Adequate Revenues	99.10 Rates Applicable to All Users
99.04 System of Accounts	99.11 Service Charges
99.05 Operation, Maintenance and Replacement Fund	99.12 Surcharge
99.06 Balances Remaining in Accounts	99.13 Payment of Bills
99.07 Meters	99.14 Lien for Nonpayment

**99.01 CHARGES REQUIRED.** It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining, and retiring the debt for such public wastewater treatment works.

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

1. "Normal domestic wastewater" means wastewater that has a BOD concentration of not more than 250 mg/l, a suspended solids concentration of not more than 350 mg/l.
2. "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 the treatment works to achieve the capacity and performance for which such works were designed and constructed.
3. "Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
4. "Residential contributor" means any contributor to the City's treatment works whose lot, parcel of real estate or building is used for domestic dwelling purposes only.
5. "SS" (denoting suspended solids) means solids that either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtering.
6. "Treatment works" means any devices and systems used for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvement, additions and alterations thereof; elements essential to provide a reliable system 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 (including land used for composting sludge, temporary storage of such

compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combine storm water and sanitary sewer systems.

7. “Useful life” means the estimated period during which the wastewater treatment works will be operated.

8. “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.

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

**99.03 ADEQUATE REVENUES.** The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this chapter.

**99.04 SYSTEM OF ACCOUNTS.** The City shall establish a proper system of accounts and shall keep records, books and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system and at regular annual intervals the Council shall cause to be made an audit by an independent auditing concern of the State of the books to show the receipts and disbursements of the sewer system. The City shall be required annually to prepare a budget of the Sanitary Sewer System to show the required revenues and expenses. If necessary, user charge rates will be adjusted to produce adequate income to retire the indebtedness, meet operation, maintenance, and replacement needs, and establish required reserves.

**99.05 OPERATION, MAINTENANCE AND REPLACEMENT FUND.** That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in this section shall be deposited in a separate non-lapsing fund known as the *Operation, Maintenance and Replacement Fund* and will be kept in two primary accounts as follows:

1. Operation and Maintenance Account. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works.

2. Replacement Account. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works. Deposits in the Replacement Account shall be made annually from the operation, maintenance and replacement revenue in the amount of \$8,210 annually.

**99.06 BALANCES REMAINING IN ACCOUNTS.** Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be used for no other purposes than those designated for these accounts. Moneys which have been transferred from other sources to meet temporary shortages in the *Operation, Maintenance and Replacement Fund* shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate shall be

adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the moneys were borrowed.

**99.07 METERS.** Each user shall pay for the services provided by the City based on the use of the treatment works as determined by water meters acceptable to the City.

**99.08 USER CHARGES.**

1. Customers. Each and every lot, parcel of real estate, building or premises situated within the corporate limits of the City or that in any way uses or discharges sanitary sewage, industrial waste, water or other liquids, either directly or indirectly in the sewage system of the City, shall pay a monthly service charge to the City as prescribed under Section 99.11 Service Charges. The sewer use charge means that portion of the total wastewater service charge that is levied in a proportional and adequate manner for the cost of, operation, maintenance and replacement of the wastewater treatment works.

2. Minimum Charges. A minimum sewer charge (known as the service access charge) shall be set for each monthly period or fraction thereof for each water meter installed on any lot, parcel of real estate, building or premises situated within the corporate limits of the City provided that all or part of the water measured by meter discharges into the sanitary sewer system of the City. Said charge shall be established under Section 99.11 Service Charges. The minimum charge will cover the initial 2,000 gallons of water and water service attributable to the customer for the property served. The minimum sewage service charge shall also apply to any industrial firm, institution and public or private corporation discharging wastewater or other liquids into the sanitary sewer system of the City, although no water meter is installed upon said premises.

3. Private Water System. Persons required to pay whose premises are served by a private water system shall pay a user charge based upon the water used as determined by the Superintendent either by an estimate agreed to by the person or by metering the water system at the person's expense. Any negotiated or agreed upon sale or user charge shall be subject to approval by the Council.

4. Special Rates. Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the user charge provided in this chapter would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution.

**99.09 RESPONSIBILITY FOR INCREASED COSTS.** Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the Council. Service to industrial establishments may be by contract if the City deems this to be in its best interest. No contract, however, shall override any provision of this section.

**99.10 RATES APPLICABLE TO ALL USERS.** The user charge rates established in this chapter apply to all users of the City's treatment works, regardless of their location.

**99.11 SERVICE CHARGES.** There shall be and there are hereby established sewer service charges for the use of and for the service supplied by the municipal sanitary sewer utility based upon the amount and rate of water consumed, as follows:

1. First 2,000 gallons used per month @ \$17.06 per month (minimum charge).
2. All usage over 2,000 gallons per month @ \$9.28 per 1,000 gallons or part thereof.
3. Flat charge of \$8.25 per month for the Debt Service Retirement Fund.

*(Section 99.11 – Ord. 1-2022 – Dec. 22 Supp.)*

**99.12 SURCHARGE.** For those customers who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement is: \$.05 per pound BOD and \$.05 per pound SS.

**99.13 PAYMENT OF BILLS.** All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

**99.14 LIEN FOR NONPAYMENT.** Except as provided for in Section 92.06 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

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## **CHAPTER 100**

### **SEWER EXTENSIONS**

**100.01 Purpose**  
**100.02 Definition**

**100.03 Construction by City**

**100.01 PURPOSE.** The purpose of this chapter is to provide a means and method for the extension of sewers to serve property not served by an existing sewer line so as to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the residents of the City.

**100.02 DEFINITION.** For the purpose of this chapter, “builder” means the owner of land who causes a sanitary sewer to be installed under the provisions of this chapter. Such term includes the heirs, successors, or assigns of such owner.

**100.03 CONSTRUCTION BY CITY.** An owner of land abutting or adjoining a public street where no sanitary sewer has been installed may make application to the Council for the installation of a sanitary sewer in said street for the purpose of serving the property in accordance with the following:

1.       **Application and Deposit.** A written request for such installation, and a sum equal to the cost as estimated by the City of construction from the point where the sanitary sewer is presently installed and terminates to the point where the most distant boundary of the owner’s lot abuts the said public street, shall be submitted to the Council.
2.       **Construction.** Upon receipt of the deposit, the City shall construct the sanitary sewer for the purpose of serving the property of the applicant (builder), as soon as such construction can reasonably be accomplished.
3.       **Additional Costs.** In the event the actual cost to the City of installation of the sanitary sewer is in excess of the estimated cost, the builder agrees to reimburse the City for the actual additional cost within thirty (30) days after the presentation of a bill for such additional cost.
4.       **Lien Authorized.** In the event of the failure of the builder to reimburse the City, as specified in subsection 3 above, the total of the additional cost shall be certified to the County Treasurer as a special assessment lien against the builder’s real estate. In the written request for installation of the sanitary sewer, the landowner shall waive all objections to jurisdiction and rights to notice and consent to the entry of such a special assessment lien against the real estate.
5.       **Connecting Property.** The expense of connecting the property of the builder to the sanitary sewer laid in the public street shall be borne by the builder, in addition to the cost of constructing said sewer, but such connection shall be under the supervision of the City.

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## **GARBAGE AND SOLID WASTE**

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## CHAPTER 105

# SOLID WASTE CONTROL AND RECYCLING

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**105.01 PURPOSE.** The purpose of this chapter is to provide for the sanitary storage, collection, and disposal of solid waste and recyclable materials 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. “Brush” means woody stems and branches less than two (2) inches in diameter, evergreen trimmings, and thorny brush, but does not include neatly stacked firewood on a side or rear yard, so long as there are no weeds or long grass growing around it and it does not become a harbor for pests, termites, vermin, animals or other noxious creatures.
2. “Collection bag” means a plastic, water-tight bag securely tied or sealed. The bag shall not exceed forty (40) pounds or thirty-three (33) gallons when full. Collection bags may be used only for refuse.
3. “Collector” means any person authorized to gather solid waste from public and private places.
4. “Discard” means to place or store a substance or material upon real property for a continuous period of more than seven (7) days under conditions where it serves no reasonable functional purpose and has no direct supporting relationship to the responsible person’s lawful use of the real property.
5. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.  
*(IAC, 567-100.2)*
6. “Glass containers” means clean food container bottles and jars made from clear, green, or brown glass. Expressly excluded are window and other non-container glass, porcelain and ceramic products.
7. “Grass and garden waste” means grass clippings, non-woody dead plants, weeds, flowers and twigs less than one-half (½) inch in diameter.

8. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber or salvaged wood; junk vehicles (as defined in this Code of Ordinances), machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old discarded glass, tinware, plastic or old or discarded household goods or hardware or similar items or materials.

9. “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])*

10. “Leaves” means leaves from deciduous trees and shrubs.

11. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.

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

12. “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.

13. “Recyclables” means designated consumer wastes which are collected and marketed for resource recovery at Cedar Rapids/Linn County Solid Waste. They include newspaper, office paper, magazines, telephone books, tin and steel cans, aluminum containers, glass food containers, chipboard, plastic recyclable containers accepted at Cedar Rapids/Linn County Solid Waste and unwaxed corrugated cardboard. Specific items collected shall be specified by the collection service contracting with the City pursuant to Section 105.13.

14. “Recycling tub” means the 18-gallon plastic recycling tub with lid as issued by the hauler contracted by the City to haul recyclable material.

15. “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)*

16. “Responsible person” means any person having the right to control the use of real property either as a record titleholder or as the purchaser under an executory contract or as a tenant in possession under a lease agreement or by virtue of having any other interest in the real property and includes such person’s agent or managing officer who is authorized to exercise control over the use of the real property.

17. “Sanitary disposal facility” means a facility approved by the Iowa Department of Natural Resources for the final disposition of solid waste.

18. “Solid waste” means solid or semi-solid substances or materials that are the resulting products of any process of agriculture, business, trade, industry, manufacturing or domestic household living and that have been discarded by the person in possession thereof. Solid waste does not include stacked firewood falling within the exception to the definition of “brush” above or to yard waste, nor does it include soil, sand, gravel, and other inert natural resources existing in their natural state. Solid waste does include, by way of illustration and not by way of limitation, the following discarded substances and materials:

A. Garbage, refuse and rubbish;

- B. Food and food containers;
- C. Debris resulting from the construction, maintenance, repair or demolition of buildings, fences, roadway paving, communications systems, structures and other improvements to real property;
- D. Building materials salvaged from the construction, maintenance, repair or demolition of buildings, fences, roadway paving, communications system, structures and other improvements to real property;
- E. Previously used or damaged or inoperable household furniture, fixtures, appliances, utensils, equipment and supplies;
- F. Salvaged parts of previously used cloth, paper, wood, metal, glass and plastic products;
- G. Previously used machinery, equipment, tools and appliances that are in a state of disrepair that renders them presently incapable of being used or operated for the purpose for which they were originally designed and manufactured;
- H. Disassembled parts from previously used vehicles, machinery, equipment, tools and appliances;
- I. Previously used petroleum products;
- J. Junk, as defined above.

Solid waste does not include any of the following: (i) hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934; (ii) 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; (iii) source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979; (iv) petroleum contaminated soil that has been remediated to acceptable State or federal standards; and (v) 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.

19. “Waste container” means a fully enclosed rust-proof and watertight container specifically designed and manufactured for the temporary storage of solid waste.

20. “White goods” means large household appliances such as stoves, refrigerators, washing machines, dryers and other items of similar size, and fixtures and materials too large to fit into a bag or rigid container. The term white goods does not include tires, hazardous substances, dead animals, and batteries.

21. “Yard waste” means debris such as grass and garden waste, leaves, brush, trees, any vegetable or plant waste (except garbage), and shrubbery trimmings. Yard waste does not include tree stumps or shrub stems larger than two inches in diameter.

*(Section 105.02 – Ord. 9-2019 – Nov. 19 Supp.)*

**105.03 SANITARY DISPOSAL REQUIRED.** It is the duty of each owner to provide for the sanitary disposal of all solid waste accumulating on the owner’s premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such

nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

*(Code of Iowa, Ch. 657)*

**105.04 HEALTH AND FIRE HAZARD.** It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

**105.05 OPEN BURNING.**

1. Open Burning Restricted. No person shall ignite, cause to be ignited, allow or permit to be ignited, allow or maintain any open burning of combustible materials, except that the following is permitted provided a valid open burning permit is obtained:

A. Ceremonial Fires. Ceremonial fires (example: school pep rally bonfires), provided such fires are not used for the purpose of refuse or waste disposal.

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

2. Issuance of Permits. Permits shall be issued by the Linn County Health Department and the fire district having jurisdiction at the place of burning. Burning permits are valid provided the following conditions are met and maintained:

A. Burning is conducted during the dates stated on the permit.

B. Burning is conducted during the hours of one hour after sunrise to one hour before sunset.

C. Burning is conducted in a safe and reasonable manner so as not to endanger life or property.

D. Fires must be attended by the person the permit is issued to (or his or her agent) at all times.

E. Open burning permits must be signed by the issuing authority.

3. Exempt Open Burning. The following types of open burning are exempt and may be conducted without an open burning permit so long as the burning is conducted in a safe and reasonable manner so as not to endanger life or property and the fires are attended at all times.

A. Open burning used solely for cooking or recreational activities provided it is no larger than three feet in diameter and burns charcoal or clean wood material.

B. Campfires and outdoor fireplaces burning clean wood material, when in association with camping out, cooking or similar related recreational activities provided that these fires comply with all sections of the Linn County Burn Ordinance and are no larger than three feet in diameter.

Any open burning shall be immediately discontinued if a law enforcement officer, the Mayor, Fire Chief or official of the County Department of Health determines that the fire is the cause of a hazardous condition, a valid permit was not obtained, or the rules of the permit have not

been met and maintained. The person responsible for the fire may be charged for all costs incurred in the extinguishing of the fire because of a violation or hazard.

**105.06 SEPARATION OF YARD WASTE REQUIRED.** It is unlawful to include yard waste in any containers set out for the purposes of collection of recyclables or other solid waste. Yard waste shall be composted on the premises or transported to a yard waste site. Only the residents of the City of Springville shall be allowed to dispose of their yard waste at the site designated by the City. The deposit of yard waste by anyone who does not reside within City limits is strictly prohibited.

Residents shall divide their yard waste and dispose of their yard waste in appropriate areas: (i) grass, leaves, garden waste, and small brush less than two (2) inches in diameter, or (ii) brush. No yard waste shall be left at the site in any container, such as garbage bags, boxes, garbage cans or other receptacles. All of the by-products resulting from the use and maintenance of the yard waste site (mulch and compost) may be used at no charge by any City resident. The City reserves the right to manage the amount of by-products kept at the yard waste site and may use or dispose of by-products as needed.

Any person found to be in violation of this chapter shall be liable to the City for any expense, loss or damage incurred by the City by reason of such violation. Additionally, any non-City resident who deposits yard waste at a City-approved site will be subject to a \$500.00 fine.

Residents hiring a commercial business from outside of the City must notify City Hall prior to work being done.

*(Section 105.06 – Ord. 9-2019 – Nov. 19 Supp.)*

**105.07 SEGREGATION OF RECYCLABLE MATERIALS.** Recyclable materials shall be segregated from other solid waste when set out for collection. It is unlawful to include in any accumulation of solid waste set out for collection any recyclable materials. All recyclable materials set out for collection shall be contained in a recycling tub prescribed or permitted by the collection service contracting with the City pursuant to Section 105.13. In addition, the following practices shall be observed by all persons in setting out recyclables for collection:

1. All aluminum cans shall be cleaned.
2. All tin and steel cans shall be rinsed clean with all labels removed.
3. All plastic recyclable containers accepted at Cedar Rapids/Linn County Solid Waste shall be rinsed clean and all caps removed.
4. All unwaxed corrugated cardboard shall be dry, flattened and tied in bundles no bigger than three (3) feet by three (3) feet.
5. All shredded paper shall be in a brown paper bag that has been taped shut.
6. Other reasonable requirements of the collection service contracting with the City shall be complied with.

It is unlawful to disregard or fail to observe any of the practices delineated above for the segregation and accumulation of recyclables for collection.

**105.08 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)*

**105.09 OPEN DUMPING PROHIBITED.** No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of rubble at places other than a sanitary disposal project. "Rubble" means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. Rubble includes asphalt waste only as long as it is not used in contact with water or in a flood plain. For purposes of this section, rubble does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or industrial process wastes unless those wastes are approved by the State Department of Natural Resources.

*(Code of Iowa, Sec. 455B.301, Sec. 455B.307 and IAC, 567-100.2)*

**105.10 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, 567-102.14[2] and 400-27.14[2])*

**105.11 WASTE STORAGE CONTAINERS.** Every person owning, managing, operating, leasing, or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

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

A. Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be of sufficient capacity, and leakproof and waterproof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container. Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices.

B. Commercial. Every person owning, managing, operating, leasing, or renting any commercial establishments, multi-family apartment buildings, or multiple-family dwellings shall be responsible for the collection and disposal of yard waste, solid waste, and other wastes generated by said operations. Containers for storage of said solid waste and other waste shall be metal cans or dumpsters of sufficient size and/or number to contain all solid waste and other waste products. Dumpsters and containers shall have tight-fitting covers

which shall be in place at all times to prevent solid waste from blowing from the containers. Additionally, collection bags may be used to contain solid waste so long as these bags store said waste in a manner consistent with the requirements of this chapter. All yard waste, solid waste, and other waste products shall be collected as arranged by the responsible person; however, said collection shall be consistent with the provisions set forth in this chapter.

2. **Storage and Maintenance 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. Responsible persons shall keep their waste containers and dumpsters in good repair and shall periodically clean out the waste containers to prevent the accumulation of materials offensive to smell or attractive to insect or other vermin.

3. **Location of Containers for Collection.** Containers for the storage of solid waste awaiting collection shall be placed outdoors at some easily accessible place by the owner or occupant of the premises served.

**105.12 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. **Scavenging.** Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

**105.13 COLLECTION SERVICE.** The City shall provide by contract for the collection of all recyclables within the City. The City shall have full authority to contract with a duly licensed person for this purpose pursuant to such terms and conditions as the City sees fit. The City shall then make such charges, which are fair and reasonable for this service, to all residents of the City, and such charges shall be billed and collected as provided in this chapter. The City shall have further authority to adopt any and all rules and regulations concerning the pickup and places of pickup of such recyclables by resolution if necessary. Non-recyclable solid waste, yard waste, white goods, and other wastes shall be disposed of by the responsible persons in such manner as they shall choose, consistent with the provisions of this chapter.

**105.14 FREQUENCY OF COLLECTION.** Recyclables shall be collected on a weekly basis from all single-family dwellings within the City. All other solid waste and white goods shall be disposed of as arranged by the responsible persons with authorized haulers and/or as arranged at the responsible person's own discretion, subject to the terms and provisions of this chapter and consistent with the requirements hereof.

**105.15 DISPOSAL OF SOLID WASTE.** All solid waste, yard waste and white goods collected and transported within the City, whether privately or by licensed waste collector,

shall be collected, transported, processed and/or disposed of in accordance with this chapter, the laws of the State of Iowa, and the regulations of the Iowa Department of Natural Resources.

**105.16 OWNER TRANSPORT.** Nothing in this chapter is intended to prohibit an owner from transporting yard waste, solid waste or any other type of waste accumulating upon premises owned, occupied or used by such owner, provided such material is disposed of properly in an approved sanitary disposal project and in accordance with the terms of this chapter.

**105.17 COLLECTION VEHICLES.** Vehicles or containers used for the collection and transportation of solid waste and yard waste shall be leakproof, and covered to prevent the inadvertent discharge or spillage of any such waste. Should any such discharge or spillage occur, the material discharged shall be picked up immediately by the collector and returned to the vehicle and the area affected by the spill or discharge properly cleaned.

**105.18 FEES FOR RECYCLING, SOLID WASTE AND YARD WASTE DISPOSAL.**

1. Recycling/Solid Waste. The fee for the collection of recyclables and solid waste is \$16.25 per month for residential premises.
2. Yard Waste Disposal. The regular fee for the maintenance and use of the yard waste disposal site is \$4.25 per month. This yard waste fee will be charged to each residential dwelling within the City.

Such fees shall be due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Recyclable collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

*(Section 105.18 – Ord. 23-2021 – Dec. 22 Supp.)*

**105.19 LIEN FOR NONPAYMENT.** Except as provided for in Section 92.06 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

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## CHAPTER 110

### NATURAL GAS FRANCHISE

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**110.01 FRANCHISE GRANTED.** The City of Springville, Iowa (hereinafter referred to as “Grantor”), hereby grants a non-exclusive franchise to Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy, a Delaware limited liability corporation (hereinafter called “Grantee”), its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over, above or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public easements as are now within the present or future limits of said Grantor, a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas and other operations connected therewith or incident thereto for all purposes to the inhabitants of said Grantor and consumers in the vicinity thereof, and for the distribution of natural gas from or through said Grantor to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, poles, communication devices, conduits and all other apparatus and appliances necessary or convenient for transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business.

**110.02 TERM.** The rights and privileges granted hereunder shall remain in effect for a period of twenty-five (25) years from the effective date of the ordinance codified by this chapter.<sup>†</sup>

**110.03 FRANCHISE FEES.** Grantor may, during the term of this franchise, in its discretion, in compliance with and as authorized by state law, after public hearing and upon a majority vote of a majority of the members of the Grantor’s City Council then present, pass an ordinance imposing a franchise fee on Grantee’s customers located within Grantor’s corporate limits; provided, however, that the franchise fee shall not be effective, and Grantee shall not be obligated to collect and pay same, unless and until: (1) it is satisfactory to Grantee with respect to its compatibility with Grantee’s billing system; (2) the form of assessment and collection of the franchise fee is based on either: (a) a percentage of Grantee’s gross receipts of regulated sales or transportation revenues collected from Grantee’s customers within Grantor’s corporate limits; (b) a volumetric fee based upon Grantee’s delivery of energy within Grantor’s corporate limits; or (c) a flat fee collected on a nondiscriminatory basis from each of Grantee’s customers within Grantor’s corporate limits; and (3) Grantor has imposed a

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<sup>†</sup> **EDITOR’S NOTE:** Ordinance No. 4-2015, adopting a natural gas franchise for the City, was passed and adopted on October 6, 2015.

franchise fee on all other parties supplying energy within Grantor's corporate limits, calculated in the same manner as the franchise fee imposed on Grantee's customers.<sup>†</sup>

**110.04 GOVERNING RULES AND REGULATIONS.** The franchise granted hereunder is subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by state or federal law. The rates to be charged by Grantee for service within the present or future corporate limits of Grantor and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee, shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. Provided however, should any judicial, regulatory or legislative body having proper jurisdiction take any action that precludes Grantee from recovering from its customers any cost associated with services provided hereunder, then Grantee and Grantor shall renegotiate the terms of this Ordinance in accordance with the action taken. In determining the rights and duties of the Grantee, the terms of this Ordinance shall take precedence over any conflicting terms or requirements contained in any other ordinance enacted by the Grantor.

**110.05 PROVISION FOR INADEQUATE ENERGY SUPPLIES.** If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Grantee, then the Grantee shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service or supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

**110.06 CONSTRUCTION AND MAINTENANCE OF GRANTEE'S FACILITIES.** Any pavements, sidewalks or curbing taken up and any and all excavations made shall be done in such a manner as to cause only such inconvenience to the inhabitants of Grantor and the general public as is reasonably necessary, and repairs and replacements shall be made promptly by Grantee, leaving such properties in as good a condition as existed immediately prior to excavation. Grantee agrees that for the term of this franchise, it will use its best efforts to maintain its facilities and equipment in a condition sufficient to meet the current and future energy requirements of Grantor, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by ordinance and will fix its excavations within a commercially reasonable time period, except that in emergency situations Grantee shall take such immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible. Within a reasonable time thereafter, Grantee shall request and Grantor shall issue any permits or authorizations required by Grantor for the actions conducted by Grantee during the emergency situation. Grantor will give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that affects Grantee's facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements, and the time when the Grantor will start the work, and, if more than one right-of-way is involved, the order in which the work is to proceed. The notice shall be given

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<sup>†</sup> **EDITOR'S NOTE:** See also Chapter 114 Franchise Fee.

to the Grantee as soon as practical in advance of the actual commencement of the work, considering seasonable working conditions, to permit the Grantee to make any additions, alterations, or repairs to its facilities.

**110.07 EXTENSION OF GRANTEE'S FACILITIES.** Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria as approved by the Iowa Utilities Board make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor.

**110.08 RELOCATION OF GRANTEE'S FACILITIES.** If Grantor elects to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, unless otherwise reimbursed by federal, state or local legislative act or governmental agency, Grantee, upon reasonable notice from Grantor, shall remove and relocate its facilities or equipment situated in the public rights-of-way, at the cost and expense of Grantee, if such removal is necessary to prevent interference with Grantor's facilities. If Grantor orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference with such project, then Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment. Grantor shall consider reasonable alternatives in designing its public works projects and exercising its authority under this section so as not to arbitrarily cause Grantee unreasonable additional expense. If alternative public right-of-way space is available, Grantor shall also provide a reasonable alternative location for Grantee's facilities. Grantor shall give Grantee written notice of an order or request to vacate a public right-of-way; provided, however, that its receipt of such notice shall not deprive Grantee of its right to operate and maintain its existing facilities in such public right-of way until it (a) if applicable, receives the reasonable cost of relocating the same and (b) obtains a reasonable public right-of-way, dedicated utility easement, or private easement alternative location for such facilities.

**110.09 CONFIDENTIAL INFORMATION.** Grantor acknowledges that certain information it might request from Grantee pursuant to this Ordinance may be of a proprietary and confidential nature, and that such requests may be subject to the Homeland Security Act or other confidentiality protections under state or federal law. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to its proprietary or commercial value, Grantor and its employees, agents and representatives shall maintain the confidentiality of such information, to the extent allowed by law. If Grantor is requested or required by legal or administrative process to disclose any such proprietary or confidential information, Grantor shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief.

**110.10 FORCE MAJEURE.** It shall not be a breach or default under this Ordinance if either party fails to perform its obligations hereunder due to force majeure. Force majeure shall include, but not be limited to, the following: 1) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; 2) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; 3) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and (4) any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome.

Each party shall make reasonable efforts to avoid force majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance of its obligations hereunder; provided, however, that this provision shall not obligate a party to settle any labor strike.

**110.11 HOLD HARMLESS.** Grantee, during the term of this Ordinance, agrees to save harmless Grantor from and against all claims, demands, losses and expenses arising directly out of the negligence of Grantee, its employees or agents, in constructing, operating, and maintaining its distribution and transmission facilities or equipment; provided, however, that Grantee need not save Grantor harmless from claims, demands, losses and expenses arising out of the negligence of Grantor, its employees or agents.

**110.12 SUCCESSORS AND ASSIGNS.** All rights, privileges and authority granted to Grantee hereunder shall inure to the benefit of Grantee's lessees, successors and assigns, subject to the terms, provisions and conditions herein contained, and all obligations imposed upon Grantee hereunder shall be binding upon Grantee's lessees, successors and assigns.

**110.13 NO THIRD PARTY BENEFICIARIES.** This Ordinance constitutes a franchise agreement between the Grantor and Grantee. No provision of this Ordinance shall inure to the benefit of any third person, including the public at large, so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action for any person not a party hereto.

**110.14 NON-WAIVER.** Any waiver of any obligation or default under this Ordinance shall not be construed as a waiver of any future defaults, whether of like or different character.

**110.15 EFFECTIVE DATE AND ACCEPTANCE.** This Ordinance shall become effective and be a binding contract between the Grantor and Grantee upon its final passage and approval by Grantor, in accordance with applicable laws and regulations, and upon Grantee's acceptance by written instrument, within sixty (60) days of passage by the City Council, and filing with the Clerk of the City of Springville, Iowa. The Clerk of the City of Springville, Iowa, shall sign and affix the community seal to acknowledge receipt of such acceptance, and return one copy to Grantee. If Grantee does not, within sixty (60) days following passage of this Ordinance, either express in writing its objections to any terms or provisions contained therein, or reject this Ordinance in its entirety, Grantee shall be deemed to have accepted this Ordinance and all of its terms and conditions.

## CHAPTER 111

### ELECTRIC FRANCHISE

111.01 Franchise Granted	111.14 Franchise Fees
111.02 Placement and Maintenance of Equipment	111.15 Fee Displayed on Customers' Bills
111.03 Indemnification	111.16 Additional Fee
111.04 Excavations	111.17 Company's Obligation Limited
111.05 Notice of Excavation	111.18 Annexation or Change in City Limits
111.06 Relocation of Equipment	111.19 Modifications of Obligations
111.07 Installation of Meters	111.20 Fees Paid Quarterly
111.08 System Standards	111.21 Use of Public Property
111.09 Insurance	111.22 Term of Franchise
111.10 Franchise Nonexclusive	111.23 Reservation of Authority
111.11 Regulation by City	111.24 Police Powers of City
111.12 Maps of System	111.25 Prior Agreement Repealed
111.13 Service Interruptions	

**111.01 FRANCHISE GRANTED.** There is hereby granted to INTERSTATE POWER AND LIGHT COMPANY, hereinafter referred to as the "Company," its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the transmission of electric current along, under and upon the streets, avenues, alleys and public places in the City; also the right to erect and maintain upon the streets, avenues, alleys and public places, transmission lines through the City, to supply individuals, corporations, communities, and municipalities both inside and outside of said City with electric light, heat and power for the period of twenty-five (25) years<sup>†</sup> subject to a limited right of cancellation at the end of the tenth (10<sup>th</sup>), fifteenth (15<sup>th</sup>) and twentieth (20<sup>th</sup>) year anniversaries of the Anniversary Date as defined within; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa. No services other than those related to the manufacture and generation, and distribution of electricity are authorized by this franchise.

**111.02 PLACEMENT AND MAINTENANCE OF EQUIPMENT.** The poles, wires and appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys, and public places in said City or unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

**111.03 INDEMNIFICATION.** The Company shall defend, indemnify and hold the City harmless at all times during the term of this franchise from and against all claims for injury or damage to persons or property caused by the construction, erection, operation or maintenance of its properties, or the negligence of its contractors or its employees. In case of any suit or action at law being commenced against the City, upon any claim for damage arising out of any loss, injury or damage, claimed to have been caused by any installation, improvement,

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<sup>†</sup> **EDITOR'S NOTE:** Ordinance No. 4-2014, adopting an electric franchise for the City, was passed and adopted on August 4, 2014.

obstruction or excavation in any street, alley, sidewalk or public place in the City, and which installation, improvement, obstruction or excavation was made or left in, under or upon a such street, sidewalk, alley or public place by said Company, its agents, contractors or employees, upon being notified in writing by the City of such action or proceeding, the Company shall appear and make proper defense thereto; and if any final and unappealable judgment is rendered against the City therein, the Company hereby agrees to assume, pay and satisfy such judgment or decree, with the costs thereof.

**111.04 EXCAVATIONS.** In making any excavations in any street, alley, avenue or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, shall back fill all openings in such manner as to prevent settling or depressions in surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical and if defects are caused shall repair the same.

**111.05 NOTICE OF EXCAVATION.** Company shall provide reasonable advance notice to City before excavating in streets or public grounds of the City. Such notice shall state a particular part or point of the street where the excavation is to be made and the length of time in which such work will take to be done. In cases where emergency work must be performed, Company shall notify City as soon as practical after the emergency work is completed. In making excavations in the streets the Company shall proceed with such work as to cause the least possible inconvenience to the public. The Company shall protect property, according to safety standards generally accepted at the time of placement, or as may be determined by the Iowa Utilities Board. All excavations and obstruction shall have proper shoring, surface plates, barricades, warning lights and such other or additional devices as circumstances may warrant. Temporary street surfacing will be placed in such excavations as soon as the same has been backfilled. Pavements, sidewalks, curb and gutters or other portions of streets and public places opened, disturbed or damaged by Company shall be promptly restored and replaced with like materials by the Company at its own expense and left in as good condition as before.

**111.06 RELOCATION OF EQUIPMENT.** The Company shall, at its cost and expense, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City asks the Company to relocate existing facilities or equipment for the primary benefit of a commercial or private project, a non-public entity, or for a commercial or private developer, the Company shall receive payment for the cost of relocation as a precondition to relocating its existing facilities or equipment. The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities. The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Vacating a public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities, until the reasonable cost of relocating the same are paid to the Company.

**111.07 INSTALLATION OF METERS.** The Company, its successors and assigns, shall furnish and install all meters at its own expense, and shall provide the service wire to buildings as set forth in the Company's tariff filed with the Iowa Utilities Board.

**111.08 SYSTEM STANDARDS.** The Company shall construct, operate and maintain a modern up to date system in accordance with the applicable regulations of the Iowa Utilities Board or its successors and Iowa law.

**111.09 INSURANCE.** The Company shall maintain liability insurance coverage during the term of this franchise as is usual and customary in the industry for similarly situated utility companies. The Company shall provide to the City evidence of such coverage in the form of a certificate of insurance upon written request. The Company shall endeavor to provide 30 days' notice of cancellation or non-renewal. Nothing in this section shall be construed to limit the liability of the Company under this chapter. The Company shall require contractors or subcontractors involved in the construction, installation, maintenance or operation of Company's electric system to maintain insurance coverage appropriate to the risk and extent of involvement.

**111.10 FRANCHISE NONEXCLUSIVE.** The franchise granted by this chapter shall not be exclusive.

**111.11 REGULATION BY CITY.** In the event the State of Iowa or the United States ceases to regulate any aspect of the delivery of electrical service now regulated by either or both, the City reserves the right upon such cessation to regulate such matters to the extent such matters are local affairs impacting the health, safety or welfare of the City.

**111.12 MAPS OF SYSTEM.** For the purposes of implementing the Iowa One-Call facility location system, the Company shall thereafter maintain updated maps showing the distribution system. Prior to excavating in the rights-of-way, both parties shall contact and shall follow the procedures therefor of the corporation organized pursuant to Iowa Code Chapter 480 or an entity with a similar function utilized by both the City and the Company, currently the Iowa One-Call System.

**111.13 SERVICE INTERRUPTIONS.** Service to be rendered by the Company under this chapter shall be continuous unless prevented from doing so by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

**111.14 FRANCHISE FEE.** In its monthly billing the Company shall include a franchise fee of one percent 1% on the gross receipts from the sale of electricity to the Company's electric customers located within the corporate limits of the City. The Company shall begin collecting the franchise fee upon receipt of written approval of the required tax rider tariff from the Iowa Utilities Board. The City shall be solely responsible for the proper use of any amounts collected as franchise fees, and shall only use such fees as collected for a purpose as allowed by applicable law. The City shall give the Company a minimum 6-month notice prior to the request to implement any adjustment in the percentage of franchise fee to be collected pursuant to this Section. The City agrees to modify the level of franchise fees imposed only once in any 24-month period. When any such Ordinance increasing, decreasing, modifying or eliminating the franchise fee shall become effective, billings reflecting the change shall commence on an agreed upon date which is not less than ninety (90) days following written notice to the Company by certified mail. The Company shall not be required to implement such new percentage unless and until it determines that it has received appropriate official documentation of final action by the City Council. In no event may the percentage of franchise fee exceed the statutory amount authorized by Iowa law. If at any time the Iowa

Utilities Board (or another authority have proper jurisdiction) prohibits the payment of a franchise fee, the Company shall be relieved of its obligation to pay to the City the franchise fee.<sup>†</sup>

**111.15 FEE DISPLAYED ON CUSTOMERS' BILLS.** The Company will pay the franchise fee in accordance with Iowa Code Chapter 364.2 and 423B.5. The amount of the franchise fee shall be shown separately on the utility bill to each customer.

**111.16 ADDITIONAL FEE.** The City recognizes that the costs of franchise fee administration are not charged directly to the City and the City and Company agree that the Company may only charge such administrative fees as are provided for in state statute.

**111.17 COMPANY'S OBLIGATION LIMITED.** The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90) days of receipt of information required of the City to implement the franchise fee. This information shall include but not be limited to a copy of the City's Revenue Purpose Statement and written proof of legal adoption and publication of the Revenue Purpose Statement, City's list of City utility accounts exempt per Iowa law from the franchise fee, signed Nondisclosure Agreement pertaining to the protection of the confidentiality of utility service address information provided by the Company to the City, and the City's verified utility customer service address list. The Company shall not commence assessing the franchise fee until it has received written approval of the amended tax rider tariff from the Iowa Utilities Board. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from City customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of customers or individual customers, the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

**111.18 ANNEXATION OR CHANGE IN CITY LIMITS.** Upon receipt of a final and unappealable order or approval authorizing annexation, or changes in the corporate limits of the said City, the City Clerk shall provide written notification by certified mail to an officer of Company of such annexation or change in the limits of the City, and the Company shall apply the franchise fee to its customers who are affected by the annexation or change in the corporate limits of the City, commencing on an agreed upon date which is not less than ninety (90) days from receipt of the information required of the City to implement the franchise fee. The Company shall have no obligation to collect franchise fees from customers in any annexed area until and unless the following have all been provided to the Company by certified mail: such final and unappealable orders or approvals, the City's list of City utility accounts exempt from the franchise fee in the annexed area, and the City's verified utility customers service address list for the annexed area. The City shall indemnify the Company from claims of any nature arising out of or related to the imposition and collection of the franchise fee. In addition, the Company shall not be liable for collecting franchise fees from any customer originally or subsequently identified, or incorrectly identified, by the City as being subject to the franchise fee or being exempt from the imposition of franchise fees.

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<sup>†</sup> See also Chapter 114 Franchise Fee.

**111.19 MODIFICATION OF OBLIGATIONS.** Collection of the franchise fee shall cease at the earlier of the modification or repeal of the franchise fee or the end of the Ordinance term.

1. The obligation to collect and remit the fee imposed by this Ordinance is modified if:

A. Any other person is authorized to sell electricity to customers within the corporate limits of the City and the City imposes a franchise fee or its lawful equivalent at zero or a lesser rate than provided in this Ordinance, in which case the obligation of Company to collect and remit franchise fee shall be modified to zero or the lesser rate; or

B. The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling electricity to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of electricity within the City; or

C. The Iowa General Assembly enacts legislation, or any Iowa court issues a final judicial decision regarding franchise fees, or the Iowa Utilities Board issues a final nonappealable order (collectively, "Final Franchise Fee Action") that modifies, but does not repeal, the ability of the City to impose a franchise fee or the ability of Company to collect from City customers and remit franchise fees to City. Within sixty (60) days of Final Franchise Fee Action, the City shall notify Company and the parties shall meet to determine whether this Ordinance can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After Final Franchise Fee Action and until passage by the City of revisions to the franchise fee Ordinance, Company may temporarily discontinue collection and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.

2. The obligation to collect and remit the fee imposed by this Ordinance is repealed, effective as of the date specified below with no liability therefor, if:

A. Any of the imposition, collection or remittance of a franchise fee is ruled to be unlawful by the Supreme Court of Iowa, effective as of the date of such ruling or as may be specified by that Court; or

B. The Iowa General Assembly enacts legislation making imposition, collection or remittance of a franchise fee unlawful, effective as of the date lawfully specified by the General Assembly; or

C. The Iowa Utilities Board, or any successor agency, denies the Company the right to impose, collect or remit a franchise fee provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the final agency order from which the appeal is taken.

**111.20 FEES PAID QUARTERLY.** The Company shall remit collected franchise fees to the City on a quarterly basis, within thirty (30) days after last day of the last revenue month of the quarter.

**111.21 USE OF PUBLIC PROPERTY.** Said franchise fee shall be in lieu of any other payments to the City for the Company's use of streets, avenues, alleys and public places in the said City and other administrative or regulatory costs with regard to said franchise; and said poles, lines, wires, conduits and other appliances for the transmission of electric current along, under and upon the streets, avenues, alleys and public places in the said City to supply individuals, corporations, communities, and municipalities both inside and outside of said City with electric light, heat and power shall be exempt from any special tax, assessment, license or rental charge during the entire term of the franchise.

**111.22 TERM OF FRANCHISE.** The term of the franchise granted by this chapter and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided. The City may cancel the franchise on the tenth (10<sup>th</sup>), fifteenth (15<sup>th</sup>) or twentieth (20<sup>th</sup>) anniversary of the Anniversary Date of the franchise by notifying Company in writing of its desire to do so, said notification to be given within thirty (30) days of the tenth (10<sup>th</sup>) or twentieth (20<sup>th</sup>) anniversary respectively of this franchise. If Company is not notified of the cancellation by the tenth (10<sup>th</sup>), fifteenth (15<sup>th</sup>) or twentieth (20<sup>th</sup>) anniversary, then the franchise shall continue without cancellation until the twenty-fifth (25<sup>th</sup>) year. The Anniversary Date shall be the date this franchise is filed with the City Clerk or otherwise effective by operation of law.

**111.23 RESERVATION OF AUTHORITY.** This chapter is intended to be and shall be construed as consistent with the reservation of local authority contained in the Twenty-Fifth Amendment to the Iowa Constitution granting cities and municipalities home rule powers.

**111.24 POLICE POWERS OF CITY.** With respect to issues not addressed in the other paragraphs of this franchise, and consistent with state and federal laws and regulations, the City retains its right to exercise its police powers.

**111.25 PRIOR AGREEMENT REPEALED.** This chapter sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be superseded, modified or otherwise amended without the approval and acceptance of the Company. Upon acceptance by the Company, this chapter shall supersede, abrogate and repeal the prior electric system ordinance between the Company and the City of Springville as of the date the Ordinance codified herein is accepted by the Company. Notwithstanding the foregoing, in no event shall the City enact any ordinance or place any limitations, either operationally or through the assessment of fees, that create additional burdens upon the Company, or which delay utility operations.

## CHAPTER 112

# TELEPHONE FRANCHISE

112.01 Franchise Granted  
112.02 Authority of City  
112.03 Location of Equipment  
112.04 Excavations

112.05 Indemnification of City  
112.06 Consideration  
112.07 Service

**112.01 FRANCHISE GRANTED.** The Springville Cooperative Telephone Association, a corporation, its successors and assigns (hereinafter called the “Grantee”) are hereby granted the right to use and occupy the streets, alleys, highways, avenues and other public places of and within the City for a term of twenty-five (25) years from the effective date hereof,<sup>†</sup> for the purpose of constructing, reconstructing, maintaining and operating a general telephone system and exchange within the City.

**112.02 AUTHORITY OF CITY.** The rights herein granted are subject to the exercise of the police power as the same now is or may hereafter be conferred upon the City.

**112.03 LOCATION OF EQUIPMENT.** Such telephone system and exchange and all wires, poles, conduits and other materials connected therewith and incident thereto as may be installed now or hereafter shall be located, installed and maintained so as not to endanger persons or property or unreasonably interfere with any improvement the City may deem proper to make, or unnecessarily hinder or obstruct the free use of the streets, alleys, avenues, highways and other public property within the City.

**112.04 EXCAVATIONS.** Whenever the Grantee, in erecting, constructing, or maintaining said poles, wires, conduits or other materials, shall take up any of the streets, alleys, avenues, highways or other public places within the City, or shall make any excavation therein, such excavation shall be at once refilled and all surfaces affected thereby made as good as before by the Grantee.

**112.05 INDEMNIFICATION OF CITY.** The Grantee shall hold and save harmless the City from any and all causes of action, litigation or damage caused by or resulting from the construction, reconstruction, maintenance and operation of said telephone system and exchange.

**112.06 CONSIDERATION.** The privileges herein granted to the Grantee are granted to it and further, in consideration that the Grantee, its successors and assigns, will, without cost to the city, provide one public telephone available for the use of the general public located in the downtown area of the City, and available twenty-four (24) hours per day.

**112.07 SERVICE.** The privileges herein granted to the Grantee are granted to it in consideration that the Grantee, its successors and assigns will maintain twenty-four-hour service at all times, subject to said service being interrupted by an act of God, civil riot, or other causes beyond the reasonable control of the Grantee.

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<sup>†</sup> **EDITOR’S NOTE:** Ordinance No. 3-82, adopting a telephone franchise for the City, was adopted by the Council on March 15, 1982.

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## CHAPTER 113

# CABLE TELEVISION FRANCHISE

113.01 Purpose	113.14 Service Rules
113.02 Definitions	113.15 Subscriber Rates
113.03 Term and Nature of Franchise	113.16 Disconnection And Service Termination
113.04 Compliance With Applicable Law	113.17 Public Service Installations
113.05 Grant of Franchise and Effective Date	113.18 Emergency Use of Facilities
113.06 FCC Certificate	113.19 Existing Antenna
113.07 System Construction Timetable	113.20 Prohibited Activities
113.08 System Construction Standards	113.21 Revocation of Franchise
113.09 Joint Use of Facilities	113.22 Removal of Property on Termination
113.10 Conditions of Street Occupancy	113.23 Franchise Renewal
113.11 Channel Capacity and Programming	113.24 Assigning Franchise
113.12 Performance Standards and Quality of Signal	113.25 Indemnification and Insurance
113.13 Local Office: Complaint Procedures	

**113.01 PURPOSE.** The purpose of this chapter is to provide for the regulation of cable television systems within the City, which operate pursuant to City franchise and to establish standards, regulations and procedures for the establishment, construction, operation and maintenance of a cable television franchise.

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

1. “Additional service” means any communications service provided by the franchisee over its cable television system for which a special charge is made based on program or service content, time or spectrum space usage and includes all service offered by the franchisee that is not included with the “basic service.”
2. “Basic service” means all communications services provided by the franchisee including the delivery of broadcast signals and programming originated over the cable system, covered by the regular monthly charge paid by all subscribers, excluding pay channels.
3. “Cable television system” means any facility that, in whole or in part, receives directly or indirectly over the air and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations and distributes such signals, by wire or cable, to subscribing members of the public who pay for such a service.
4. “Channel” means the segment of the electromagnetic spectrum to which a source of television transmission is assigned.
5. “FCC” means the Federal Communications Commission and any legally appointed or elected successor.
6. “Franchise” means the right, privileges and authority granted by the City to a grantee hereunder and includes all of the terms and conditions of this chapter and of the franchise ordinance.
7. “Full cable service” means all basic services and additional services offered by the grantee.
8. “Grantee” means the person granted a franchise by an election. When the context so requires, the term grantee means and includes the grantee, its officers,

agent, employees, servants and independent contractors thereof. The terms “grantee” and “franchisee” are synonymous.<sup>†</sup>

9. “Private property” means all property, real, personal or mixed, owned by a private person, including property owned by a public utility not owned or operated by the City.

10. “Property of the Grantee” means all property, real, personal or mixed, owned by the Grantee.

11. “Public property” means all property, real or personal or mixed, owned by the City, including property owned by a public utility owned or operated by the City.

12. “Service area” means the geographic area within the incorporated limits of the City, including all dwelling units.

13. “Substantially completed” means sufficient distribution facilities have been installed by the franchisee so as to permit the offering of full cable service to at least ninety percent (90%) of the dwelling units in the service area.

**113.03 TERM AND NATURE OF FRANCHISE.** The term of a franchise, unless otherwise canceled or revoked pursuant to the provisions of this chapter, shall be twenty-five (25) years from the effective date of the grant thereof. The City shall award the franchisee a nonexclusive franchise, right and privilege to construct, erect, operate, modify and maintain, in, upon, along, above, over and under the highways, streets, alleys, sidewalks, public ways and public places within the City which are or may hereafter be dedicated to public use, poles, wires, cables, underground conduits, manholes and other television conductors and fixtures necessary for the maintenance and operation in the City of a cable television system, and to furnish and to sell service from such a system to the public pursuant to the terms of this chapter.

**113.04 COMPLIANCE WITH APPLICABLE LAW.** The grantee shall at all times during the life of any franchise granted hereunder be subject to all lawful exercise of the police power by the City and other duly authorized regulatory State and Federal bodies and shall comply with any and all ordinances which the City has adopted or shall adopt applying to the public generally.

**113.05 GRANT OF FRANCHISE AND EFFECTIVE DATE.**

1. After examining all proposals submitted to the Council with respect to an applicant’s legal, character, financial, technical and other qualifications, including the adequacy and feasibility of its construction plans, the Council shall select the person it deems to have presented a proposal which will best serve the interests of the City, and shall submit the question of granting to said person a nonexclusive franchise, pursuant to the terms of this chapter, to the voters of the City for their approval at a special franchise ordinance election. However, no provisions of this chapter shall be deemed or construed to require the Council to submit to a vote any prospective franchisee following the receipt of any franchise application. In order for a franchise to be granted, a majority of those voting must vote in favor of granting such franchise.

2. The nonexclusive franchise and the rights, privileges, obligations and authority granted thereby shall take effect and be in force from and after the thirtieth

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<sup>†</sup> **EDITOR’S NOTE:** The City has adopted an ordinance granting a cable television franchise to the Springville Cooperative Telephone Association.

(30<sup>th</sup>) day following the award thereof, provided that within thirty (30) days from the day of such award the grantee shall file with the City the following:

- A. A notarized statement by the grantee of unconditional acceptance of the franchise, and
- B. A certificate of insurance from grantee's insurance carrier giving evidence that the grantee has in effect the insurance coverage required by this chapter; and
- C. Reimbursement to the City of the entire cost of the franchise election, together with all printing and publication costs relating thereto. An estimate of said costs shall be prepaid by the applicant selected by the Council to be franchisee, regardless of whether the applicant is granted a franchise by said election. When the actual costs of the election and publication are known, the final payment may be adjusted accordingly.

**113.06 FCC CERTIFICATE.** Grantee shall apply to the Federal Communications Commission for a certificate of compliance within a reasonable period of time, not to exceed ninety (90) days from the effective date of a franchise granted hereunder.

**113.07 SYSTEM CONSTRUCTION TIMETABLE.**

1. Within ninety (90) days of the effective date of a franchise granted hereunder, the grantee shall file with the appropriate authorities and utilities all initial papers and applications necessary to comply with the terms of this chapter. Within one hundred eighty (180) days of the effective date of FCC certification, the grantee shall begin construction of the cable television system, and pursue such construction with reasonable diligence. Within twelve (12) months of the effective date of FCC certification, the grantee shall have "substantially completed" construction of the system within the "service area" as defined in Section 113.02 hereof.
2. Within eighteen (18) months of the effective date of FCC certification, the grantee shall have completed installation of its entire system and shall have commenced the operation thereof.
3. The Council may in its discretion extend the time for grantee to perform any act required hereunder. The time for performance shall be extended or excused, as the case may be, in the event of a legal challenge to the grantee's ability to provide on its cable television system broadcast signals not available off-the-air in the City, or in the event construction is delayed by acts of God, earthquake, lightening, flood, fire, explosion, vandalism, civil disturbance, late delivery of equipment, supplies or machinery by supplies, late performance by suppliers of services, or other similar cause demonstrated to the satisfaction of the City Council to be reasonably beyond grantee's control.

**113.08 SYSTEM CONSTRUCTION STANDARDS.** Grantee's plant and equipment, including the antenna site, head-end, distribution system, towers, structures, poles, wires, underground cable and appurtenances shall be installed in accordance with good engineering practices, and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated so as not to endanger or interfere with the lives of persons or to interfere with the improvements the City may deem proper to make, or to unnecessarily hinder, or obstruct pedestrian or vehicular traffic to public ways, places and structures. Erection, installation, construction, replacement, removal, repair, maintenance and operation

of the system shall be in accordance with the provisions of the *National Electrical Safety Code* of the National Board of Fire Underwriters and *National Electric Safety Code* (outside work) and such applicable laws of the State of Iowa and applicable ordinances of the City which may now be in effect or enacted in the future. All installations shall be of a permanent nature, durable, and maintained in a safe, suitable and substantial condition, in a good order and repair.

**113.09 JOINT USE OF FACILITIES.** The City hereby grants the right, privilege and authority to grantee to lease, rent, or in any other lawful manner, obtain the use of poles with overhead lines, conduits, trenches, ducts, lines, cables and other equipment and facilities from any and all holders of public licenses and franchises within the corporate limits of the City, and to use such poles, conduits, trenches, ducts, lines and cables in the course of its business. Grantee shall install its cables on existing poles owned by other holders of public licenses and franchises within the corporate limits of the City whenever possible for the installation of its cable. When installation of cable on poles is not possible, or when the holders of another public license or franchise have installed underground cable, then in that event, the cable used by grantee shall be installed underground. The grantee shall obtain permission from the City before erecting any new poles, underground conduit or appurtenances where none exist at the time grantee seeks to install its system. At such time that any overhead electrical distribution or service wires are placed underground, grantee shall be required to place its cables, wires or like facilities underground, preferably at the same time as the electrical under-grounding is accomplished, but in no case more than six (6) months after written notice to underground is served by the City.

**113.10 CONDITIONS OF STREET OCCUPANCY.**

1. The grantee shall be allowed to use the City streets, alleys, right-of-ways and other public ways and places for the construction and operation of its cable television system; provided, however, in such use and occupancy grantee shall be required to comply with all requirements of the State of Iowa and this Code of Ordinances pertaining to excavation, streets and sidewalks, and backfills.
2. Grantee shall restore all property of the City and of the inhabitants thereof to its usual, ordinary and reasonable condition after the installation of either overhead or underground cable. In case of any disturbances of pavement, sidewalk, driveway, or other surfacing, the grantee shall, at its own expense and in the manner approved by the City, replace and restore all paving, sidewalk, driveway or other surfaces to a condition as good as or better than before said work was commenced.
3. The Grantee's transmission and distribution structures, wires, conduits, cables, and other property and facilities shall be so located, constructed installed and maintained as not to endanger or unnecessarily interfere with the lives of persons or with the proper use of streets, alleys, and other public ways and places, and shall cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the said streets, alleys, or other public ways and places.
4. Grantee shall not place poles or other fixtures when the same will interfere with any gas, electric, or telephone fixtures, water hydrant, or main, and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed in the alleys shall be placed close to the line of the lot abutting on said alley, and then in such a manner as not to interfere with the usual travel on said street, alleys and public ways.

5. If at any time during the period of a franchise, the City elects to alter or change the grade of any street, alley or public way, grantee, upon reasonable notice by the City, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

6. Any opening or obstruction in the streets or other public ways made by the grantee in the course of the construction, operation, or removal of cable television shall be guarded and protected at all times by the placement of adequate barriers, fences, or boarding, the bounds of which during periods of dusk and darkness shall be clearly designated by warning lights. Grantee shall, whenever it is deemed necessary by the City, install such steel plates as may be necessary to allow a public roadway to remain open while grantee is in the course of the construction, operation or removal of cable television.

7. The grantee shall be responsible for securing any and all private easements necessary for the construction of the cable television system.

8. Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and grantee shall have the authority to require such payment in advance. Grantee shall be given not less than five (5) days' advance notice to arrange for such temporary wire changes.

9. Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the grantee, all trimming to be done under the supervision and direction of the City and at the expense of the grantee.

10. Grantee shall at all times provide the City, without charge, prints showing the location of all poles within the City's corporate limits, joint poles, underground cables, ducts, and other cable television facilities. Said grantee shall submit a new, up-to-date map each year on or near the anniversary date of the franchise, and may, at its option, submit amendments at more frequent intervals to the end that its facilities can be more fully protected from injury due to public improvements and the City can more readily enforce its controls over the use of its streets, alleys, and other public places. The City agrees to require its officers, engineers, contractors, supervisors and employees to exercise diligence in avoiding damage to such cable facilities and to consult with grantee's representatives where reasonable doubts exist as to location and chance of damages to grantee's facilities. Grantee agrees that its officers, supervisors, employees and agents will take similar precautions with City facilities.

**113.11 CHANNEL CAPACITY AND PROGRAMMING.** Grantee shall include the signals of all television broadcast signals generally available off-the-air to residents in the City and a number of additional television signals consistent with the rules and regulations of the Federal Communications Commission and all other applicable laws, rules or regulations. Grantee's cable television system must have the capacity to provide at least twenty (20) television channels within eighteen (18) months after the system is substantially completed. Grantee may provide such automated video services and such audio services as it wishes and are consistent with the terms of this chapter. Grantee shall provide at least one channel for programming of local weather and time and one channel for local access.

**113.12 PERFORMANCE STANDARDS AND QUALITY OF SIGNAL.**

1. Grantee shall during the period of its franchise, distribute standard color television signals without the introduction of material degradation of color fidelity and intelligence from the lead-end input to the subscriber's receiver. Grantee shall distribute such signals to all residents of the City, and shall maintain its system in reasonable repair and working order, and provide adequate facilities for such maintenance. These requirements shall be temporarily suspended, at the discretion of the Council, in the event of a natural disaster or emergency conditions or other circumstances beyond the control of the grantee.

2. Grantee's cable television system shall meet technical standards of the rules and regulations of the Federal Communications Commission and grantee shall perform the periodic tests and make the measurements specified in such rules. The system shall be so designed, engineered and maintained by grantee so as not to interfere with the television and radio reception of residents of the City who are not subscribers to its services.

**113.13 LOCAL OFFICE: COMPLAINT PROCEDURES.**

1. During the term of its franchise, and any renewal thereof, the grantee shall maintain within the City a local business office to be staffed by at least one service technician who is a resident of the City for the purpose of receiving, investigating and resolving all complaints from subscribers.

2. Such office shall have advertised business hours, a listed telephone number, and be so operated that complaints or requests for repairs or adjustments may be received at any time. Grantee shall provide the City with the above information, and a card or decal containing the above information, along with specified procedures for reporting trouble or complaints, shall be provided to all subscribers as they are hooked into the system.

3. Grantee shall make every reasonable effort to resolve any and all complaints to the satisfaction of the subscriber as soon as possible but in any event within three (3) business days of their receipt. The company shall keep a maintenance service log which will indicate the nature of each service complaint, the date and time it was received, the disposition of said complaint, and the item and date thereof. This log shall be made available for periodic inspection by the City.

4. Upon receipt by it of any service complaint, the City will forward a copy to the grantee or may take the question up by correspondence with the grantee. Within such time as may be prescribed by the City, grantee will be called upon to satisfy the complaint or advise the City of its refusal or inability to do so. If grantee satisfies the complaint, it shall so notify the City, giving particulars of the action taken. The City will forward a copy of the grantee's notice of satisfaction to the complainant, with a statement of the procedure to be followed to further prosecute the complaint. When a complaint has not been satisfied, the complainant may file a formal complaint with the Council in the form and manner to be specified thereby. The complaint to the Council must be filed within thirty (30) days from the date of the grantee's notice of refusal or inability to satisfy the complaint. Upon receipt of a formal complaint, the Council shall ascertain the facts and shall have the power to enforce its decision, if against grantee, by all actions hereunder.

**113.14 SERVICE RULES.** Grantee shall have the right to prescribe service rules and regulations for the conduct of its business with its subscribers and service users, not inconsistent with the provisions of its franchise or the rules and regulations of the Federal Communication Commission, and other applicable laws, rules and regulations. Grantee shall submit to the City the form of its service agreement between grantee and its subscribers and channel users; shall furnish the City a full schedule of its charges to be paid by subscribers before soliciting for subscribers within the City, and shall furnish the City any amendments or alterations in the service agreement or schedule of charges.

**113.15 SUBSCRIBER RATES.**

1. The charges made to subscribe to the grantee's services shall be fair and reasonable and no higher than necessary to meet all costs of service (assuming efficient and economical management) and to provide a fair return on the original cost, less depreciation of assets devoted to such service.
2. Grantee shall at all times maintain on file with the Clerk a schedule setting forth all rates and charges to be made to subscribers for basic services, including installation charges, and for any additional services.
3. Before making any changes in the rates and charges to subscribers for basic service the grantee shall file in writing with the Clerk, and shall publish in a newspaper of general circulation within the City, a new proposed rate change at least sixty (60) days in advance of the proposed effective date for such rate change. If the Council takes no action to set the proposed rate change for hearing or takes no other action to delay such changes, said proposed rate changes may become effective upon the expiration of the 60-day notice.
4. If the Council sets the proposed rate change for hearing, said proposed rate changes will not become effective until the Council has taken action by means of a resolution.
5. This provision does not limit the right of grantee to pass along to the subscribers sales tax or any specific copyright fees.
6. Grantee shall not, as to rates, charges, service facilities, rules, regulations or in any other respects, make or grant any preference or advantage to any person nor subject any person to any prejudice or disadvantage; provided, however, this subsection shall not be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classifications shall be entitled.
7. The grantee shall reimburse the City for all costs and expenses incurred by the City in connection with any application for a rate change.

**113.16 DISCONNECTION AND SERVICE TERMINATION.**

1. There shall be no charge for disconnection of any installation or subscriber outlet. If any subscriber fails to pay any fee or charge, grantee may disconnect the subscriber's service upon giving five (5) days' advance written notice of intent to disconnect. After disconnection and upon payment of all delinquent fees and reconnection charges, the grantee shall promptly reinstate the subscriber's service.
2. Upon termination of service to any subscriber for any reason, grantee shall, upon the subscriber's written request, promptly remove all its facilities and equipment from the subscriber's premises without charge, provided that where the subscriber is a

lessee of the premises, the facilities and equipment shall not be removed without the lessor's consent.

**113.17 PUBLIC SERVICE INSTALLATIONS.** The grantee shall, without charge for installation, maintenance or service, install at least one subscriber outlet for use by the City. Such installation, for basic service only, shall be made at such reasonable locations within the City as may be requested by the City and educational institutions. Any charge for relocation of such installations shall be made at actual cost. No charges shall be made for distribution of grantee's services within such public buildings.

**113.18 EMERGENCY USE OF FACILITIES.** In the event of any emergency or disaster, grantee shall, upon request of the City, make its facilities available to the City for emergency use during the emergency or disaster.

**113.19 EXISTING ANTENNA.** The grantee shall, upon request of any subscriber, install, at actual cost, a switching device to permit a subscriber to continue to utilize his or her own television antenna. The grantee shall not require the removal or offer to remove a subscriber's antenna.

**113.20 PROHIBITED ACTIVITIES.**

1. The grantee shall not engage in the business of selling, repairing or installing television receivers, radio receivers or parts and accessories for such receivers, excluding converters and switches, within the City during the term of its franchise.
2. It is unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised cable television system within the City for the purpose of enabling the taking or receiving of television signals, radio signals, pictures, programs or sounds, without payment to the owner of said system.
3. The grantee shall be prohibited from selling or in any other manner making available the grantee's subscriber lists to any person other than the City.

**113.21 REVOCATION OF FRANCHISE.** If grantee fails to comply with any of the provisions of its franchise, or defaults in any of its obligations hereunder, except for causes beyond the reasonable control of grantee, and fails within thirty (30) days after written notice from the City to commence, and within a reasonable time, complete the correction of such default and noncompliance, the City shall have the right to revoke its franchise and all rights of grantee hereunder. However, prior to the issuance of the above 30- day notice, the grantee shall receive a ten-day notice from the City notifying said grantee of a public hearing to review any unresolved issues. In the event grantee shall be adjudicated bankrupt or placed in receivership, the City may declare the franchise forfeited and terminated.

**113.22 REMOVAL OF PROPERTY ON TERMINATION.** Upon termination of its franchise, grantee shall remove its poles, cable television transmission and distribution system, and other appurtenances from the streets and sidewalks in the City, when ordered to do so by the City, and shall restore such streets and sidewalks to their original condition. This does not apply to poles, cable transmission and distributive system, and other appurtenances used for purposes other than, and in addition to, the providing of cable television services.

**113.23 FRANCHISE RENEWAL.** At least sixty (60) days prior to the expiration of a franchise, the City shall schedule and hold a public meeting or meetings with the franchisee to

review and discuss the performance of the franchisee under the franchise including the results following previous franchise reviews. In particular, the City may inquire whether the franchise is supplying a level and variety of services equivalent to those being generally offered at that time in the industry in comparable market situations. The franchisee shall make available, if requested by the City, such records, information and documents which are relevant to such meetings and inquiry. Any interested person shall have the opportunity to be heard regarding whether or not the franchisee did reasonably comply with the terms and conditions imposed by this chapter and the franchise agreement. Irrespective of the type and quality of the performance of the franchisee, the City is under no obligation whatsoever to re-issue a franchise to the franchisee. At least forty-five (45) days prior to the expiration of the franchise, however, the City shall advise the franchisee whether or not the franchise re-issuance shall be based solely upon negotiations by and between the franchisee and the City. The failure to re-issue such a franchise, however, shall not prohibit the franchisee from applying for a new franchise in competition with other applicants for a franchise in the event the City decides to consider proposals from new applicants for the franchise.

**113.24 ASSIGNING FRANCHISE.** Grantee shall not sell, transfer, or encumber its system or its franchise, without first securing the approval of the Council; however, grantee is hereby specifically authorized to assign or encumber its system and franchise for the purpose of financing the construction or operation of its system in the City.

**113.25 INDEMNIFICATION AND INSURANCE.**

1. Grantee shall at all times defend, indemnify, protect and save harmless the City and other political subdivisions in the area from and against any and all liability, losses, and physical damage to property and bodily injury or death, including payments made under Worker's Compensation laws, which may arise out of and be caused by the erection, construction, replacement, removal, maintenance and operation of grantee's cable television system, and resulting from or any negligence, fault or misconduct on the part of the grantee, its agents, officers, servants and employees. Grantee shall carry public liability insurance in the amounts of no less than \$1,000,000.00 Bodily Injury/\$1,000,000.00 Property Damage for the protection of itself and the City and the political subdivisions. The Grantee, shall also carry Worker's Compensation Insurance coverage with statutory limits on all its employees who are engaged in any manner in the cable television system. The grantee shall be notified within fifteen (15) days of the presentation thereof to the City, of any claim, demand or action brought against the City or its political subdivisions for which the City and its political subdivisions may seek reimbursement or defense as provided hereunder.
2. Grantee shall hold the City harmless from any damage which grantee's cable equipment or other integral parts of its system may cause as a result of any action by any City employee when carrying out said employee's duties, unless due to or caused by the negligence of the City or its employees.

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## CHAPTER 114

# FRANCHISE FEE

114.01 Establishment of Franchise Fee  
114.02 Fees; Taxes  
114.03 Payment  
114.04 Billing

114.05 Obligations  
114.06 Annexation Ordinances  
114.07 Documentation

**114.01 ESTABLISHMENT OF FRANCHISE FEE.** The City of Springville, Iowa, (hereinafter referred to as the “Municipality”) hereby establishes a franchise fee on every natural gas or electric company and every other person, firm or corporation, their successors and assigns, owning, operating, controlling, leasing or managing a natural gas or electric plant or system and/or generating, manufacturing, selling, distributing or transporting natural gas or electric (hereinafter referred to, collectively, as “Energy Providers,” each, individually, an “Energy Provider”). Energy Providers shall collect from their customers located within the corporate limits of the Municipality as depicted on the Map (as defined below) including the City of City and pay to the City an amount equal to one percent (1%) of gross receipts Energy Providers derive from the sale, distribution or transportation of natural gas or electric delivered within the present limits of the Municipality. Gross receipts as used herein are revenues received from the sale, distribution or transportation of natural gas or electric, after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered.

**114.02 FEES; TAXES.** The amount paid by Energy Providers shall be in lieu of, and Energy Providers shall be exempt from, all other fees, charges, taxes or assessments which the Municipality may impose for the privilege of doing business within the Municipality, including, without limitation, excise taxes, occupation taxes, licensing fees, or right-of-way permit fees, and in the event the Municipality imposes any such fee, charge, tax or assessment, the payment to be made by Energy Providers in accordance with this Ordinance shall be reduced in an amount equal to any such fee, charge, tax or assessment imposed upon the Energy Providers. Ad valorem property taxes imposed generally upon all real and personal property within the Municipality shall not be deemed to affect Energy Providers’ obligations under this Ordinance.

**114.03 PAYMENT.** Energy Providers shall report and pay any amount payable under this Ordinance on a monthly basis. Such payment shall be made no more than thirty (30) days following the close of the period for which payment is due. Initial and final payments shall be prorated for the portions of the periods at the beginning and end of any franchise granted by the City of Springville, Iowa, to an Energy Provider.

**114.04 BILLING.** Energy Providers shall list the franchise fee collected from customers as a separate item on bills for utility service issued to their customers. If at any time the Iowa Utilities Board or other authority having proper jurisdiction prohibits such recovery, Energy Providers will no longer be obligated to collect and pay the franchise fee until an alternate lawful franchise fee can be negotiated and implemented. In addition, with prior approval of City, Energy Providers may reduce the franchise fee payable for natural gas or electric

delivered to a specific customer when such reduction is required to attract or retain the business of that customer.

**114.05 OBLIGATIONS.** Within ten (10) days of the date of this ordinance, the Municipality shall provide the Energy Providers with a map of its corporate limits (the "Map"). The Map shall be of sufficient detail to assist Energy Providers in determining whether their customers reside within the Municipality's corporate limits. The Map along with Energy Provider's Geographic Information System ("GIS") mapping information shall serve as the sole basis for determining Energy Provider's obligation hereunder to collect and pay the franchise fee from customers; provided, however, that if the Municipality's corporate limits are changed by annexation or otherwise, it shall be the Municipality's sole responsibility to (a) update the Map so that such changes are included therein, and (b) provide the updated Map to the Energy Providers. An Energy Provider's obligation to collect and pay the franchise fee from customers within an annexed area shall not commence until the later: (a) of sixty (60) days after such Energy Provider's receipt from the Municipality of an updated Map including such annexed area, or (b) such time after such Energy Provider's receipt from the Municipality of an updated Map including such annexed area as is reasonably necessary for such Energy Provider to identify the customers in the annexed area obligated to pay the franchise fee.

**114.06 ANNEXATION ORDINANCES.** The City shall provide copies of annexation ordinances to Energy Providers on a timely basis to ensure appropriate Franchise fee collection from customers within the corporate limits of the city as set forth in Section 114.04 above.

**114.07 DOCUMENTATION.** The Municipality shall have access to and the right to examine, during normal business hours, Energy Provider's books, receipts, files, records and documents as is reasonably necessary to verify the accuracy of payments due hereunder; provided, that the Municipality shall not exercise such right more than twice per calendar year. If it is determined that a mistake was made in the payment of any franchise fee required hereunder, such mistake shall be corrected promptly upon discovery such that any under-payment by an Energy Provider shall be paid within thirty (30) days of recalculation of the amount due, and any over-payment by an Energy Provider shall be deducted from the next payment of such franchise fee due by such Energy Provider to the Municipality; provided, that neither party shall have the obligation to correct a mistake that is discovered more than one (1) year after the occurrence thereof.

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## CHAPTER 115

# CEMETERY

### 115.01 Plots

### 115.02 Burial

### 115.03 Grave Markers

### 115.04 Decorations

### 115.05 Rules and Regulations

### 115.06 Burial Vaults

**115.01 PLOTS.** The City shall offer for sale burial plots in the Springville Memorial Cemetery when there is available space according to the following:

1. Burial plots shall be laid out in lots of 6, each plot being 40 inches in width.
2. The price for a burial plot shall be set by resolution of the Council.
3. The Clerk shall issue an agreement between the buyer and the City at the time of payment. This agreement will list owner, description of plots, date, and amount paid.

**115.02 BURIAL.** The following rules shall govern the opening and placement of human remains in a burial plot.

1. Burial plots must be purchased before use of the plot is allowed.
2. The City must be notified at least forty-eight (48) hours in advance of any burial.
3. Only the City is allowed to open a grave in the Springville Memorial Cemetery.
4. The fee for grave openings shall be set by resolution of the Council. A graduated scale for cremations, baby graves, and full size graves shall be used.
5. For a regular casket burial, each burial must use at least a concrete burial container to hold the casket and prevent settling and only one burial per plot is allowed.
6. All burials shall follow the rules and regulations of this chapter, State and Federal law, and any Linn County ordinances or regulations pertaining to burials.

**115.03 GRAVE MARKERS.** All grave markers placed in the Springville Memorial Cemetery shall follow these rules:

1. Each grave will be marked by at least a temporary grave marker after burial.
2. All gravestones shall be set in a concrete foundation. The size of the foundation can be no more than forty (40) inches long and twenty-four (24) inches wide for a single plot.
3. No single gravestone shall be bigger than thirty-two (32) inches long, eighteen (18) inches wide, and thirty-six (36) inches in total height. A minimum of a four (4) inch wash shall be maintained on all sides of the stone.

**115.04 DECORATIONS.** All decorations placed in the Springville Memorial Cemetery shall follow these rules:

1. No glass containers will be permitted.
2. Planting of bushes, shrubs, trees, flowers, or plants will not be allowed.
3. All funeral arrangements will be removed after five (5) days, unless they become unsightly, at which time they will be removed.
4. Easter Lilies and such decorations will be removed two (2) weeks after Easter.
5. All floral arrangements without a vase will be removed two (2) weeks following Memorial Day.
6. Any artificial arrangement placed in the ground will be removed after two (2) weeks.
7. All arrangements in above-ground vases will be allowed until October 15 unless they become unsightly, at which time they will be removed.
8. Blankets and wreaths are permissible after Thanksgiving and may remain until March 15.
9. All grave decorations will be removed March 15 and again on October 15 for cemetery beautification. New decorations may be placed two (2) weeks after removal.

**115.05 RULES AND REGULATIONS.** Rules and regulations for the cemetery may be adopted, and may be amended from time to time, by resolution of the Council and may cover such things as the use, care, control, management, restrictions and protection of the cemetery as necessary for the proper conduct of the business of the cemetery. The rules shall specify the cemetery's obligations in the event that interment spaces, memorials, or memorializations are damaged or defaced by acts of vandalism. Any veteran, as defined in Section 35.1 of the *Code of Iowa*, who is a landowner or who lives within the City shall be allowed to purchase an interment space and to be interred within the cemetery. In addition, any veteran who purchases an interment space within the cemetery shall be allowed to purchase an interment space for interment of the spouse of the veteran if such a space is available, and the surviving spouse of a veteran interred within the cemetery shall be allowed to purchase an interment space and be interred within the cemetery if such a space is available.

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

**115.06 BURIAL VAULTS.** An approved burial vault shall be required for all burials.  
*(Ord. 8-2018 – Nov. 19 Supp.)*

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## **REGULATION OF BUSINESS AND VOCATIONS**

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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, and 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, and 123.50)*

**120.03 INVESTIGATION.** Upon receipt of an application for a retail alcohol license, 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 for any premises that does not conform to the applicable law and ordinances, resolutions, and regulations of the City.

*(Code of Iowa, Sec. 123.30)*

*(Section 120.03 – Ord. 4-2022 – Dec. 22 Supp.)*

**120.04 ACTION BY COUNCIL.** The Council shall either approve or disapprove the issuance of a retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the Alcoholic Beverages Division.

*(Ord. 4-2022 – Dec. 22 Supp.)*

*(Code of Iowa, Sec. 123.32[2])*

**120.05 PROHIBITED SALES AND ACTS.** A person holding a retail alcohol license and the person's agents or employees shall not do any of the following:

1. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic beverage.

*(Code of Iowa, Sec. 123.49[1])*

2. Sell or dispense any alcoholic beverage on the premises covered by the license, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on any day of the week.

*(Code of Iowa, Sec. 123.49[2b])*

3. Sell alcoholic beverages to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales

by a hotel or motel to bona fide registered guests, or to retail sales by the managing entity of a convention center, civic center, or events center.

*(Code of Iowa, Sec. 123.49[2c])*

4. Employ a person under 18 years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold.

*(Code of Iowa, Sec. 123.49[2f])*

5. In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, 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.

*(Code of Iowa, Sec. 123.49[2j])*

8. Keep on premises covered by a retail alcohol license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.

*(Code of Iowa, Sec. 123.49[2d])*

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package that has been reused or adulterated.

*(Code of Iowa, Sec. 123.49[2e])*

10. Allow any person other than the licensee or employees of the licensee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container that is designed for the transporting of such beverages, except as allowed by State law.

*(Code of Iowa, Sec. 123.49[2g])*

11. Sell, give, possess, or otherwise supply a machine that is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

*(Code of Iowa, Sec. 123.49[21])*

12. Permit or allow any person under twenty-one (21) years of age to remain upon licensed premises unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a Class "C" beer permit only.

***(Section 120.06 – Ord. 4-2022 – Dec. 22 Supp.)***

**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 retail alcohol license, 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.

*(Section 120.06 – Ord. 4-2022 – Dec. 22 Supp.)*

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## CHAPTER 121

# CIGARETTE AND TOBACCO PERMITS

121.01 Definitions  
121.02 Permit Required  
121.03 Application  
121.04 Fees  
121.05 Issuance and Expiration

121.06 Refunds  
121.07 Persons Under Legal Age  
121.08 Self-Service Sales Prohibited  
121.09 Permit Revocation

**121.01 DEFINITIONS.** For use in this chapter the following terms are defined:  
*(Code of Iowa, Sec. 453A.1)*

1. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
3. “Place of business” means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.
4. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.
5. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
6. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.
7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product”

includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

### **121.02 PERMIT REQUIRED.**

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

*(Code of Iowa, Sec. 453A.13)*

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

*(Code of Iowa, Sec. 453A.47A)*

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

**121.03 APPLICATION.** A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

*(Code of Iowa, Sec. 453A.13 & 453A.47A)*

**121.04 FEES.** The fee for a retail cigarette or tobacco permit shall be as follows:

*(Code of Iowa, Sec. 453A.13 & 453A.47A)*

<b>FOR PERMITS GRANTED DURING:</b>	<b>FEE:</b>
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

**121.05 ISSUANCE AND EXPIRATION.** Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of issuance of a permit.

*(Ord. 6-2018 – Nov. 18 Supp.)*

**121.06 REFUNDS.** A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

*(Code of Iowa, 453A.13 & 453A.47A)*

**121.07 PERSONS UNDER LEGAL AGE.** 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. 13-2021 – Aug. 21 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)*

## CHAPTER 122

# PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose  
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122.14 Record and Determination  
122.15 Appeal  
122.16 Effect of Revocation  
122.17 Rebates  
122.18 License Exemptions  
122.19 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 two dollars (\$2.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

**122.05 LICENSE FEES.** The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of ten dollars (\$10.00) per year.
2. Peddlers or Transient Merchants.
  - A. For one day.....\$ 5.00
  - B. For one week .....\$ 10.00
  - C. For up to six (6) months .....\$ 20.00
  - D. For one year or major part thereof.....\$ 25.00

**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 6:00 p.m.

**122.11 REVOCATION OF LICENSE.** After notice and hearing, the Clerk may revoke any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health, or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order, or morals.

**122.12 NOTICE.** The Clerk shall send a notice to the licensee at the licensee's local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

**122.13 HEARING.** The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and

notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

**122.14 RECORD AND DETERMINATION.** The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

**122.15 APPEAL.** If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons therefor. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

**122.16 EFFECT OF REVOCATION.** Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

**122.17 REBATES.** Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least five dollars (\$5.00) of the original fee shall be retained by the City to cover administrative costs.

**122.18 LICENSE EXEMPTIONS.** The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for, or selling subscriptions to newspapers.
2. Club Members. Members of local 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 Springville Community School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

**122.19 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 122.15 of this chapter.

## 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 one hundred twenty (120) 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 Mayor, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

**123.04 BOND REQUIRED.** The applicant shall post with the Clerk a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

**123.05 INSURANCE REQUIRED.** Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury – \$50,000 per person; \$100,000 per accident.
2. Property Damage – \$50,000 per accident.

**123.06 PERMIT FEE.** A permit fee of ten dollars (\$10.00) shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

**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 flag persons at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

**123.09 TIME LIMIT.** No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

**123.10 REMOVAL BY CITY.** In the event any building or similar structure is found to be in violation of Section 123.09 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

**123.11 PROTECT PAVEMENT.** It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

**123.12 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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## **STREETS AND SIDEWALKS**

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## CHAPTER 135

### STREET USE AND MAINTENANCE

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**135.01 REMOVAL OF WARNING DEVICES.** It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

*(Code of Iowa, Sec. 716.1)*

**135.02 OBSTRUCTING OR DEFACING.** It is unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

*(Code of Iowa, Sec. 716.1)*

**135.03 PLACING DEBRIS ON.** It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle.

*(Code of Iowa, Sec. 321.369)*

**135.04 PLAYING IN.** It is unlawful for any person to coast, sled, or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

**135.05 TRAVELING ON BARRICADED STREET OR ALLEY.** It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the Fire Department.

**135.06 USE FOR BUSINESS PURPOSES.** It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

**135.07 WASHING VEHICLES.** It is unlawful for any person to use any public sidewalk, street, or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

**135.08 BURNING PROHIBITED.** No person shall burn any trash, leaves, rubbish, or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

**135.09 EXCAVATIONS.** No person shall dig, excavate, or in any manner disturb any street, parking, or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit therefor. A written application for such permit shall be filed with the City and shall contain the following:
  - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
  - B. A statement of the purpose, for whom and by whom the excavation is to be made;
  - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
  - D. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.
4. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of \$5,000.00 may be filed with the City.
5. 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.
6. 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.
7. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, and no resurfacing of any improved street or alley surface shall begin, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.

8. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner.
9. 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.
10. Notification. At least forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the *Code of Iowa*.
11. Permit Issued. Upon approval of the application and filing of bond and insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.
12. Permit Exemption. Utility companies are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions and shall post with the City a yearly bond in the amount of five thousand dollars (\$5,000.00) to guarantee such compliance.

**135.10 MAINTENANCE OF PARKING OR TERRACE.** It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs, and picking up litter.  
(*Code of Iowa, Sec. 364.12[2c]*)

**135.11 FAILURE TO MAINTAIN PARKING OR TERRACE.** If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.  
(*Code of Iowa, Sec. 364.12[2e]*)

**135.12 DUMPING OF SNOW.** It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.  
(*Code of Iowa, Sec. 364.12[2]*)

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

shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

[The next page is 677]

## CHAPTER 136

# SIDEWALK REGULATIONS

136.01 Purpose	136.11 Interference with Sidewalk Improvements
136.02 Definitions	136.12 Awnings
136.03 Removal of Snow, Ice, and Accumulations	136.13 Encroaching Steps
136.04 Responsibility for Maintenance	136.14 Openings and Enclosures
136.05 City May Order Repairs	136.15 Fires or Fuel on Sidewalks
136.06 Sidewalk Construction Ordered	136.16 Defacing
136.07 Permit Required	136.17 Debris on Sidewalks
136.08 Sidewalk Standards	136.18 Merchandise Display
136.09 Barricades and Warning Lights	136.19 Sales Stands
136.10 Failure to Repair or Barricade	

**136.01 PURPOSE.** The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement, or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. “Broom finish” means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. “Defective sidewalk” means any public sidewalk exhibiting one or more of the following characteristics:
  - A. Vertical separations equal to three-fourths ( $\frac{3}{4}$ ) inch or more.
  - B. Horizontal separations equal to one (1) inch or more.
  - C. Holes or depressions equal to three-fourths ( $\frac{3}{4}$ ) inch or more and at least four (4) inches in diameter.
  - D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to one-half ( $\frac{1}{2}$ ) inch or more.
  - E. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths ( $\frac{3}{4}$ ) inch or more.
  - F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
  - G. A sidewalk with any part thereof missing to the full depth.
  - H. A change from the design or construction grade equal to or greater than three-fourths ( $\frac{3}{4}$ ) inch per foot.
3. “Established grade” means that grade established by the City for the particular area in which a sidewalk is to be constructed.
4. “One-course construction” means that the full thickness of the concrete is placed at one time, using the same mixture throughout.

5. “Owner” means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, “owner” includes the lessee, if any.
6. “Portland cement” means any type of cement except bituminous cement.
7. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
8. “Sidewalk improvements” means the construction, reconstruction, repair, replacement, or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
9. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

**136.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS.** It is the responsibility of the abutting property owners to remove snow, ice, and accumulations promptly from sidewalks. If responsible party does not remove snow, ice, or accumulations within 48 hours after weather event, the City will send or hang on their door a letter stating the sidewalk to be cleared with 24 hours. If the responsible party still does not clear said sidewalk, the City will step in, take measures to clear sidewalk and access responsible party a fee and if the fee is not paid attach this fee to the property taxes. Cleaned or cleared, is the full width of the sidewalk (public used) and the length the abutting property. If the City cleans or clears said sidewalk it will be charged at a rate of \$60 per hour, with a minimum of one (1) hour. Responsible party is current resident, but ultimately all responsibility is the property owners.

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

*(Ord. 3-2016 – May. 16 Supp.)*

**136.04 RESPONSIBILITY FOR MAINTENANCE.** It is the responsibility of the abutting property owners to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

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

**136.05 CITY MAY ORDER REPAIRS.** If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

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

*(Code of Iowa, Sec. 384.38)*

**136.07 PERMIT REQUIRED.** No person shall remove, reconstruct, or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said

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

**136.08 SIDEWALK STANDARDS.** Sidewalks repaired, replaced, or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three-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 (4) feet wide and four (4) inches thick, and each section shall be no more than four (4) feet in length.
  - B. Business District sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length.
  - C. Driveway areas shall be not less than six (6) inches in thickness.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot from the property line, unless the Council establishes a different distance due to special circumstances.
7. Grade. Curb tops shall be on level with the centerline of the street which shall be the established grade.
8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half ( $\frac{1}{2}$ ) inch and not more than two (2) inches above the curb for each foot between the curb and the sidewalk.
9. Cross Slope. All sidewalks shall slope one-quarter ( $\frac{1}{4}$ ) inch per foot, and no more than one-half ( $\frac{1}{2}$ ) 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 (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

**136.13 ENCROACHING STEPS.** It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

**136.14 OPENINGS AND ENCLOSURES.** It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating, or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

**136.15 FIRES OR FUEL ON SIDEWALKS.** It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

**136.16 DEFACING.** It is unlawful for a person to scatter or place any paste, paint, or writing on any sidewalk.

*(Code of Iowa, Sec. 716.1)*

**136.17 DEBRIS ON SIDEWALKS.** It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal, or vehicle.

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

**136.18 MERCHANDISE DISPLAY.** It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

**136.19 SALES STANDS.** It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

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## CHAPTER 137

# VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate

137.02 Planning and Zoning Commission

137.03 Notice of Vacation Hearing

137.04 Findings Required

137.05 Disposal of Vacated Streets or Alleys

137.06 Disposal by Gift Limited

**137.01 POWER TO VACATE.** When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

**137.02 PLANNING AND ZONING COMMISSION.** Any proposal to vacate a street, alley, portion thereof or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

*(Code of Iowa, Sec. 392.1)*

**137.03 NOTICE OF VACATION HEARING.** The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

**137.04 FINDINGS REQUIRED.** No street, alley, portion thereof or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

**137.05 DISPOSAL OF VACATED STREETS OR ALLEYS.** When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, *Code of Iowa*.

*(Code of Iowa, Sec. 364.7)*

**137.06 DISPOSAL BY GIFT LIMITED.** The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.

*(Code of Iowa, Sec. 174.15[2] & 364.7[3])*

## 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.

[illegible]

## CHAPTER 138

### STREET GRADES

#### 138.01 Established Grades

#### 138.02 Record Maintained

**138.01 ESTABLISHED GRADES.** The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified, and established as official grades.

**138.02 RECORD MAINTAINED.** The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR'S NOTE			
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.			
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
33	--		

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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 Springville, 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.

<b>EDITOR'S NOTE</b>
Ordinance No. 3-96, adopted by the Council on August 19, 1996, with regard to J. R. Barnes Parkway, is specifically saved from repeal and remains in full force and effect.

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## CHAPTER 140

# CONCRETE REGULATIONS

**140.01 Permits**  
**140.02 Curb and Gutter**

**140.03 New Construction**  
**140.04 Driveway Approach**

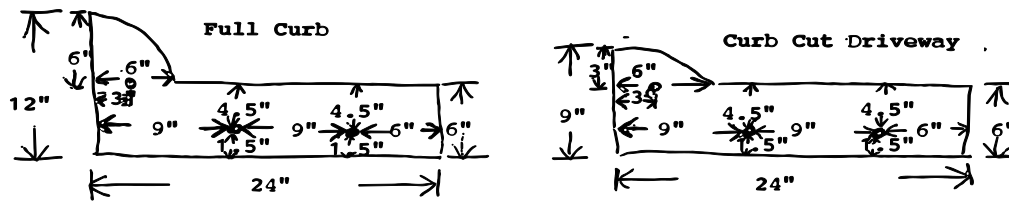
**140.01 PERMITS.** It is unlawful for a person to install, repair, or replace any street curb, street gutter, driveway approach, or City sidewalk in the City street easement without first obtaining a building permit from the Clerk's office.

1. Application. The person shall file a written application at the Clerk's office. The application shall give an exact description of the proposed work and include a drawing showing the placement and any required measurements.
2. Review. The City will have the Building Inspector review the area and make a determination about water flow effects on any other property. This review will take place within one week of the application. The application will then be approved, denied, or modified as necessary according to the Building Inspector's findings. If approved, the City will establish the grade at that time.
3. Insurance Required. Should the application be approved, each abutting property owner that is completing the work himself or herself does not have to show proof of insurance. Any applicant that is having the work completed by someone other than the abutting property owner shall provide a certificate of insurance in effect for the duration of the permit, covering that person and said person's agents and employees for the following minimum amounts:
  - A. Bodily Injury - \$500,000 per person;  
\$1,000,000 per accident.
  - B. Property Damage - \$1,000,000 per accident.

**140.02 CURB AND GUTTER.** When curb and/or gutter are being replaced or installed, the following regulations must be followed:

1. The City must inspect all forms before any concrete is poured.
2. When installing curb, the curb and street must be sawed out to 24 inches and a depth of six inches.
3. When doing a curb cut for a driveway and curb is already present, the curb can be milled or sawed to City standards as stated in this section.
4. A four-inch sub base with one-inch Class A road stone is required on unstable ground. The City will inspect the ground and make the determination if the sub base is needed.

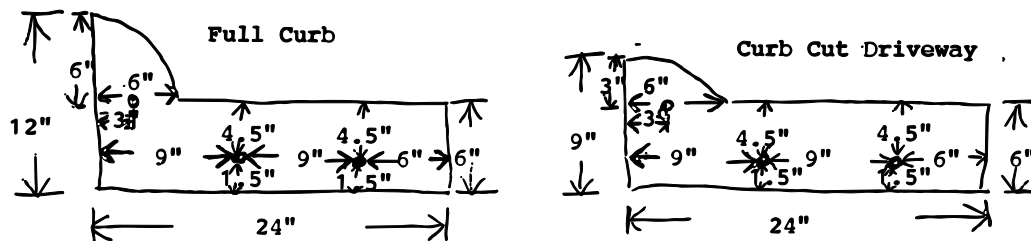
5. The curb and gutter will be poured with two (2) rows of one-half (1/2) inch rebar in the wash and one row in the curb. The following drawing illustrates the proper placement of the rebar.



6. The curb and gutter will be poured with four thousand (4000) psi ready-mix concrete.
7. A concrete street must be pinned with one-half (1/2) inch pins on both ends and also along the street edge every two feet.
8. The maximum width of a curb cut at a driveway will be no more than forty percent (40%) of the length of the lot along the same side.
9. Restoration of Public Property. Streets, sidewalks, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City, at the expense of the property owner.

**140.03 NEW CONSTRUCTION.** When a building permit is issued for a new house, new commercial building without an existing building on the property, or new garage without an existing building on the property, the following provisions shall be followed:

1. Curb and Gutter. If no curb and/or gutter are present, curb and gutter will be installed along the entire length of the property that is adjacent to a City street according to City standards as stated in Section 140.02. The following drawings illustrate the side profile of a curb and curb cut driveway portion according to City standards.



2. Hard Surface. A hard surface in the driveway area between the curb and City sidewalk will be required according to the following minimum standards. If asphalt is used, three (3) inches is the minimum. If concrete is used, four (4) inches [with one-half (1/2)-inch rebar in three-foot square or wire mesh] or six (6) inches with or without the reinforcing is the minimum.

**140.04 DRIVEWAY APPROACH.** When a building permit is issued for a driveway approach, the following provisions shall be followed:

1. Curb and Gutter. Curb and gutter will be installed along the driveway portion of the property according to City standards as stated in Section 140.02.
2. Existing Curb and Gutter. If curb and gutter are already present, any modification of the curb and gutter will be according to City standards as stated in Section 140.02.
3. Hard Surface. A hard surface in the driveway area between the curb and City sidewalk will be required according to the following minimum standards. If asphalt is used, three (3) inches is the minimum. If concrete is used, four (4) inches [with one-half (½)-inch rebar in three-foot squares or wire mesh] or six (6) inches with or without the reinforcing is the minimum.

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## CHAPTER 141

# CONTROLLED ACCESS FACILITIES

141.01 Exercise of Police Power  
141.02 Definition  
141.03 Right of Access Limited

141.04 Access Controls Imposed  
141.05 Parking Restricted

**141.01 EXERCISE OF POLICE POWER.** This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, *Code of Iowa*, for the preservation of the public peace, health, safety and for the promotion of the general welfare.  
*(Code of Iowa, Sec. 306A.1)*

**141.02 DEFINITION.** The term “controlled access facility” means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason.  
*(Code of Iowa, Sec. 306A.2)*

**141.03 RIGHT OF ACCESS LIMITED.** No person has any right of ingress or egress to or from abutting lands onto or across any controlled access facility, except at such designated points at which access is permitted.  
*(Code of Iowa, Sec. 306A.4)*

**141.04 ACCESS CONTROLS IMPOSED.** There are hereby fixed and established controlled access facilities on the Primary Road System extension improvement, Project No. F-224, Primary Road No. U.S. 151, within the City, described as follows:

*On the present route of U.S. No. 151 from the west corporation line Station 399+05 to the east corporation line Station 43375,*

regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. F-224, on file in the office of the Clerk.

**141.05 PARKING RESTRICTED.** The parking of vehicles is prohibited on the minor street approach for a distance of thirty-five (35) feet in advance of the stop sign and on the exit side of the minor street for a distance of thirty-five (35) feet beyond the crosswalk of any controlled access facility intersection.

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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 Mayor is responsible for the enforcement of this chapter.

**145.02 GENERAL DEFINITION OF UNSAFE.** All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

*(Code of Iowa, Sec. 657A.1 & 364.12[3a])*

**145.03 UNSAFE BUILDING.** “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay, or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

**145.04 NOTICE TO OWNER.** The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement

officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the *Code of Iowa*, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.
2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

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

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.<sup>†</sup>

**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 SPRINGVILLE, IOWA." Such notice shall remain posted until the required demolition, removal or repairs 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

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<sup>†</sup> **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

### 146.03 Foundation Requirements

### 146.02 Conversion to Real Property

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

*(Code of Iowa, Sec. 435.1)*

1. “Manufactured home” means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Manufactured home community” means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.
4. “Mobile home park” means any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house said entity’s own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

**146.02 CONVERSION TO REAL PROPERTY.** A mobile home or manufactured home 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)*

## CHAPTER 147

# WATER WELL PROTECTION

147.01 Definitions  
147.02 Shallow Well Protection  
147.03 Deep Well Protection

147.04 Inspection  
147.05 Violations  
147.06 Nonconforming Uses

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

1. “Deep public well” means a public well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least five (5) feet thick located at least twenty-five (25) feet below the normal ground surface and above the aquifer from which the water is drawn.
2. “Shallow public well” means a public well located and constructed in such a manner that there is not a continuous layer of low permeability soil or rock at least five (5) feet thick located at least twenty-five (25) feet below the normal ground surface and above the aquifer from which the water is drawn.

**147.02 SHALLOW WELL PROTECTION.** No structure or facility of the following enumerated and listed types shall be located within the distances hereinafter set forth after each structure or facility from a shallow public well within the City.

1. Well house floor drains – 5 feet;
2. Water treatment plant wastes – 50 feet;
3. Sanitary and industrial discharges – 400 feet;
4. Floor drains from pump house to surface:
  - A. None within 5 feet;
  - B. 5 to 10 feet – water main materials enclosed in concrete permitted;
  - C. 10 to 25 feet – must be water main material;
  - D. 25 to 75 feet – must be watertight sewer pipe;
5. Floor drains to sewer, water plant wastes, storm or sanitary sewers or drains:
  - A. None permitted within 25 feet;
  - B. 25 to 75 feet – must be water main material;
  - C. 75 to 200 feet – must be watertight sewer pipe;
6. Force mains:
  - A. None permitted within 75 feet;
  - B. 75 to 400 feet – must be water main materials;
7. Land application of solid waste – 200 feet;
8. Irrigation of wastewater – 200 feet;
9. Concrete vaults and septic tanks – 200 feet;

10. Mechanical wastewater treatment plants – 400 feet;
11. Cesspools and earth pit privies – 400 feet;
12. Soil absorption fields – 400 feet;
13. Lagoons – 1,000 feet;
14. Chemicals:
  - A. Application to ground surface – 200 feet;
  - B. Above ground storage – 200 feet;
  - C. On or underground storage – 400 feet;
15. Animal pasturage – 50 feet;
16. Animal enclosure – 200 feet;
17. Animal wastes:
  - A. Land application of solids – 200 feet;
  - B. Land application of liquid or slurry – 200 feet;
  - C. Storage tank – 200 feet;
  - D. Solids stockpile – 400 feet;
  - E. Storage basin or lagoon – 1,000 feet;
18. Earthen silage storage trench or pit – 200 feet;
19. Basements, pits, sumps – 10 feet;
20. Flowing streams or other surface water bodies – 50 feet;
21. Cisterns – 100 feet;
22. Cemeteries – 200 feet;
23. Private wells – 400 feet;
24. Solid waste disposal sites – 1,000 feet.

**147.03 DEEP WELL PROTECTION.** No structure or facility of the following enumerated and listed types shall be located within the distances hereinafter set forth from a deep public well within the City.

1. Well house floor drains – 5 feet;
2. Water treatment plant wastes – 50 feet;
3. Sanitary and industrial discharges – 400 feet;
4. Floor drains from pump house to surface:
  - A. None within 5 feet;
  - B. 5 to 10 feet – water main materials enclosed in concrete permitted;
  - C. 10 to 25 feet – must be water main material;
  - D. 25 to 75 feet – must be watertight sewer pipe;

5. Floor drains to sewer, water plant wastes, storm or sanitary sewers or drains:
  - A. None permitted within 25 feet;
  - B. 25 to 75 feet – must be water main material;
  - C. 75 to 200 feet – must be watertight sewer pipe;
6. Force mains:
  - A. None permitted within 75 feet;
  - B. 75 to 400 feet – must be water main materials;
7. Land application of solid waste – 100 feet;
8. Irrigation of wastewater – 100 feet;
9. Concrete vaults and septic tanks – 100 feet;
10. Mechanical wastewater treatment plants – 200 feet;
11. Cesspools and earth pit privies – 200 feet;
12. Soil absorption fields – 200 feet;
13. Lagoons – 400 feet;
14. Chemicals:
  - A. Application to ground surface – 100 feet;
  - B. Above ground storage – 100 feet;
  - C. On or underground storage – 200 feet;
15. Animal pasturage – 50 feet;
16. Animal enclosure – 100 feet;
17. Animal wastes:
  - A. Land application of solids – 100 feet;
  - B. Land application of liquid or slurry – 100 feet;
  - C. Storage tank – 100 feet;
  - D. Solids stockpile – 200 feet;
  - E. Storage basin or lagoon – 400 feet;
18. Earthen silage storage trench or pit – 100 feet;
19. Basements, pits, sumps – 10 feet;
20. Flowing streams or other surface water bodies – 50 feet;
21. Cisterns – 50 feet;
22. Cemeteries – 500 feet;
23. Private wells – 200 feet;
24. Solid waste disposal sites – 1,000 feet.

**147.04 INSPECTION.** The City has the right to enter and inspect properties within its corporate limits as necessary for the purpose of determining compliance with this chapter.

While conducting such inspections on private properties, the City shall observe all applicable safety laws and regulations. In the event of any loss or damage caused by City personnel during an inspection, the City shall indemnify the property owner against said loss or damage. In the event of any injury or death to City personnel during an inspection, the property owner shall be held harmless except where said injury or death may be caused by fault or failure of the property owner to maintain safe conditions.

**147.05 VIOLATIONS.** Provisions for violation of this chapter are as follows:

1. Any person found to be violating this chapter shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any person who continues any violation beyond the time limit provided for in subsection 1 shall be in violation of this Code of Ordinances. Each 24-hour period in which any such violation continues shall be deemed a separate offense.
3. Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

**147.06 NONCONFORMING USES.** The use of structures or facilities existing as of February 20, 1995, may be continued even though such use may not conform with the regulations of this chapter, i.e., such structures or facilities may be located within the distances set forth. However, such structures or facilities not in conformance with the terms of this chapter may not be enlarged, extended, reconstructed or substituted subsequent to such date.

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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 two and one-half (2½) inches in height and of a contrasting color with their background.

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

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

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

**150.03 BUILDING NUMBERING 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 Permit Required  
151.02 Location  
151.03 Intersections  
151.04 Underground Utilities  
151.05 Overhead Utility Lines

151.06 Height Limits  
151.07 Recommended Trees  
151.08 Trimming Trees  
151.09 Disease Control  
151.10 Inspection and Removal

**151.01 PERMIT REQUIRED.** Permits are required for all plantings of trees in the parkway of any street or road. Permits may be obtained from any member of the Park Commission at no cost. Unauthorized and nonconforming plantings will be removed by the City at the owner's expense.

**151.02 LOCATION.** Trees shall not be planted less than four (4) feet from the curb or where there is less than eighty (80) square feet of exposed soil.

**151.03 INTERSECTIONS.** Trees shall not be planted closer than twenty-five (25) feet to the intersection of street right-of-way lines at corners and not within ten (10) feet of driveways.

**151.04 UNDERGROUND UTILITIES.** Trees shall not be planted directly over any water, sewer or storm sewer line or within ten (10) feet of any underground lateral utility service or fire hydrant.

**151.05 OVERHEAD UTILITY LINES.** Trees that mature at a height of over twenty-five (25) feet shall not be planted under any overhead power, telephone or telegraph lines. Suggested ornamental trees which do not mature over 25 feet in height are flowering crab, red bud and purple leaf plum.

**151.06 HEIGHT LIMITS.** Trees other than those controlled by Section 151.05 shall be planted at least twenty (20) feet from the area directly underneath overhead wires and shall not have mature height of over sixty (60) feet or a mature spread of over forty (40) feet.

**151.07 RECOMMENDED TREES.** Recommended trees include the following:

Tree	Spacing	Height	Spread
Norway Maple	40 feet	60 feet	30 feet
Ginkgo	40 feet	60 feet	40 feet
Schwedler Maple	40 feet	60 feet	30 feet
Littleleaf Linden	40 feet	50 feet	35 feet
Crimson King Maple	40 feet	60 feet	30 feet
Columnar Norway Maple	30 feet	50 feet	30 feet
Pyramidal American Linden	40 feet	50 feet	30 feet
Shademaster Locust	40 feet	50 feet	40 feet
Seedless Green Ash	40 feet	60 feet	30 feet

**151.08 TRIMMING TREES.** The City is responsible for trimming trees over sidewalks and streets.

**151.09 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.

**151.10 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 fourteen (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])*

## CHAPTER 155

### BUILDING CODE

#### 155.01 Codes Adopted

#### 155.02 Board of Appeals

**155.01 CODES ADOPTED.** Except as hereinafter added to, deleted, modified or amended, there are hereby adopted as the Construction Codes of the City of Springville those certain Codes and Regulations as codified in the Linn County Iowa Code of Ordinances, Chapter 105 – Buildings and Building Regulations, Articles I – V, and Chapter 12 – Fire Prevention and Protection, including all future amendments and modifications thereto. The provisions of said Construction Codes shall be controlling in the construction of buildings and other structures and in all matters covered by said codes within the jurisdictional limits of the City and shall be known as the “City Building Regulations.”

**155.02 BOARD OF APPEALS.** In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the City Building Regulations, there shall be and is hereby created a Board of Appeals, as appointed by the City Council. In the alternative, the Council may designate itself as the Board of Appeals. The Building Official or designated representative shall be an ex-officio member without a vote.

The Board of Appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant, and may recommend such new legislation as is consistent therewith. The Board shall hold regular meetings as determined by the Board unless there are no appeals or business on file for a hearing.

A nominal appeal fee to the Board of Appeals shall be paid as adopted by resolution of the City Council. If granted, the appeal shall be valid for one (1) year from the date of the Board approval to the commencement of work and to the completion of work undertaken pursuant to the approval.

The Board shall have no authority of interpretation of the administration of these regulations nor shall such board be empowered to waive requirements of these regulations.

*(Ch. 155 – Ord. 10-2021 – Aug. 21 Supp.)*

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## CHAPTER 160

# FLOODPLAIN MANAGEMENT

160.01 Definitions	160.06 Standards for Floodplain (Overlay) District
160.02 Statutory Authority, Findings of Fact and Purpose	160.07 Appointment of Duties of Board of Adjustment
160.03 General Provisions	160.08 Nonconforming Uses
160.04 Administration	160.09 Penalties for Violation
160.05 Establishment of Zoning (Overlay) Districts	160.10 Amendments

**160.01 DEFINITIONS.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. “Appurtenant structure” means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
2. “Base flood” means the flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the “100-year flood”).
3. “Base flood elevation” (BFE) means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. “Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”
5. “Development” means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
6. “Enclosed area below lowest floor” means the floor of the lowest enclosed area in a building when all the following criteria are met:
  - A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Chapter 160.06(2)(D)(1) of this ordinance; and
  - B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as structure access, parking, or storage, and
  - C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
  - D. The enclosed area is not a “basement” as defined in this section.
7. “Existing construction” means any structure for which the “start of construction” commenced before the effective date of the first floodplain management regulations adopted by the community.

8. "Existing factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
9. "Expansion of existing factory-built home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
10. "Factory-built home" means any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
11. "Factory-built home park or subdivision" means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
12. "Five hundred (500) year flood" means a flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
13. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
14. "Flood insurance rate map" (FIRM) means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
15. "Flood insurance study" (FIS) means a report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
16. "Floodplain" means any land area susceptible to being inundated by water as a result of a flood.
17. "Floodplain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
18. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
19. "Floodway" means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the

floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

20. “Floodway fringe” means those portions of the Special Flood Hazard Area outside the floodway.

21. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

22. “Historic structure” means any structure that is:

A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior in states without approved programs;

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

23. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of “enclosed area below lowest floor” are met.

24. “Maximum damage potential development” means hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

25. “Minor projects” means small development activities (except for filling, grading and excavating) valued at less than \$500.

26. “New construction” means (new buildings, factory-built home parks) those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

27. “New factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.

28. "Recreational vehicle" means a vehicle which is:
- A. Built on a single chassis;
  - B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
  - C. Designed to be self-propelled or permanently towable by a light duty truck; and
  - D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
29. "Routine maintenance of existing buildings and facilities" mean 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.
30. "Special flood hazard area" (SFHA) means the land within a community subject to the "base flood." This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.
31. "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.
32. "Structure" means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.
33. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage

occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

34. "Substantial improvement" means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure," provided the alteration will not preclude the structure's designation as an "historic structure."

B. Any addition which increases the original floor area of a building by twenty-five (25) percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five (25) percent.

35. "Variance" means a grant of relief by a community from the terms of the floodplain management regulations.

36. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

## **160.02 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.**

1. The Legislature of the State of Iowa has, in Chapter 414, *Code of Iowa*, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

2. Findings of Fact.

A. The flood hazard areas of the City of Springville are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety, and general welfare of the community.

B. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of

obstructions on the floodplain causing increases in flood heights and velocities.

C. This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

3. Statement of Purpose. It is the purpose of this ordinance to protect and preserve the rights, privileges and property of the City of Springville and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Chapter 160.02(2)(A) of this ordinance with provisions designed to:

A. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

B. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.

C. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

D. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

E. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

### **160.03 GENERAL PROVISIONS.**

1. Lands to Which Ordinance Apply. The provisions of this ordinance shall apply to all lands within the jurisdiction of the City of Springville which are located within the boundaries of the Floodplain (Overlay) District as established in Chapter 160.05.

2. Establishment of Official Floodplain Zoning Map. The Flood Insurance Rate Map (FIRM) for Linn County and Incorporated Areas, City of Springville, Panels 19133C0329E, 0337E, dated July 20, 2021, which were prepared as part of the Flood Insurance Study for Linn County, is hereby adopted by reference, and declared to be the Official Floodplain Zoning Map. The Linn County Flood Insurance Study is hereby adopted by reference and is made a part of this chapter for the purpose of administering floodplain management regulations.

3. Rules for Interpretation of Floodplain (Overlay) District. The boundaries of the Floodplain (Overlay) District areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the City Council shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Council in the enforcement or administration of this ordinance.

4. Compliance. No structure or land shall hereafter be used, and no structure shall be located, extended, converted or structurally altered without full compliance

with the terms of this ordinance and other applicable regulations which apply to uses within the jurisdiction of this ordinance.

5. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

6. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

7. Warning and Disclaimer of Liability. The standards required by this ordinance are considered reasonable for regulatory purposes. This ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Springville or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

8. Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

#### **160.04 ADMINISTRATION.**

1. Appointment, Duties and Responsibilities of Local Official.

A. The Mayor is hereby appointed to implement and administer the provisions of this ordinance and will herein be referred to as the Administrator.

B. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

(1) Review all Floodplain Development Permit applications to assure that the provisions of this ordinance will be satisfied.

(2) Review floodplain development applications to assure that all necessary permits have been obtained from federal, State, and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

(3) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.

(4) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

- (5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this ordinance.
- (6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
- (7) Notify the Federal Insurance Administrator of any annexations or modifications to the community's boundaries.
- (8) Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the Board of Adjustment of potential conflict.
- (9) Maintain the accuracy of the community's Flood Insurance Rate Maps when;
  - a. Development placed within the floodway results in any of the following:
    - (i) An increase in the base flood elevations, or
    - (ii) Alteration to the floodway boundary
  - b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
  - c. Development relocates or alters the channel. Within six (6) months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.
- (10) Perform site inspections to ensure compliance with the standards of this ordinance.
- (11) Forward all requests for variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

2. Floodplain Development.

- A. Permit Required. A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, excavation or drilling operations), including the placement of factory-built homes.
- B. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:
  - (1) Description of the work to be covered by the permit for which application is to be made.

- (2) Description of the land on which the proposed work is to be done (e.g., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
- (3) Location and dimensions of all structures and additions.
- (4) Indication of the use or occupancy for which the proposed work is intended.
- (5) Elevation of the base flood.
- (6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.
- (7) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.
- (8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this ordinance.

C. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons, therefore. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

D. Construction and Use to Be as Provided in Application and Plans. Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, structure floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this ordinance, prior to the use or occupancy of any structure.

**160.05 ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS.** The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

1. Floodplain (Overlay) District. Those areas identified as Zone A on the Official Flood Plain Zoning Map. The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as permitted uses are prohibited unless a variance to the terms of this ordinance is granted due consideration by the Board of Adjustment.

**160.06 STANDARDS FOR FLOODPLAIN (OVERLAY) DISTRICT.****1. Permitted Uses.**

A. All development within the Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Floodplain District.

B. Any development which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

C. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:

(1) The bridge or culver is located on a stream that drains less than two (2) square miles, and

(2) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

**2. Performance Standards.** All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations and floodway data have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

A. All development shall:

(1) Be designed and adequately anchored to prevent flotation, collapse, or lateral movement.

(2) Use construction methods and practices that will minimize flood damage.

(3) Use construction materials and utility equipment that are resistant to flood damage.

B. Residential Structures. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed where existing topography, street grades, or other factors preclude elevating by fill.

In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

C. Non-Residential Structures. All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

D. All New and Substantially Improved Structures.

(1) 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 floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings, with positioning on at least (2) walls, 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.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage. Where the distance between the floor and ceiling of the fully enclosed area below the “lowest floor” is five (5) feet or more, the applicant shall be required to sign and record with the Linn County Recorder a Non-Conversion Agreement that ensures the lower enclosed area remains compliant with the criteria outlined in Chapter 160.06(2)(D)(1).

(2) 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 buoyance.

(3) 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.

E. Factory-Built Homes.

(1) 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 (1) foot above the base flood elevation.

(2) 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. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the *State Building Code*.

F. Utility and Sanitary Systems.

(1) 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.

(2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.

(3) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.

(4) 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.

G. Storage of Materials and Equipment. Storage of materials and equipment that are flammable, explosive, or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

H. Flood Control Structures. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

I. Watercourse Alterations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

J. Subdivisions. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Floodplain (Overlay) District.

K. Accessory Structures to Residential Uses.

(1) 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 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.

b. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

d. The structure shall be firmly anchored to prevent flotation, collapse and lateral movement which may result in damage to other structures.

e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

f. The structure's walls shall include openings that satisfy the provisions of Chapter 160.06(2)(D)(1) of this ordinance.

(2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

L. Recreational Vehicles.

(1) Recreational vehicles are exempt from the requirements of Chapter 160.06(2)(E) of this ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

b. 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.

(2) 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 Chapter 160.06(2)(E) of this ordinance regarding anchoring and elevation of factory-built homes.

M. Pipeline River and Stream 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.

N. Maximum Damage Potential Development. All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

**160.07 APPOINTMENT OF DUTIES OF BOARD OF ADJUSTMENT.**

1. Appointment and Duties of Board of Adjustment. A Board of Adjustment is hereby established which shall hear and decided (i) appeals and (ii) requests for variances to the provisions of this ordinance and shall take any other action which is required of the Board.

2. Appeals. Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of

this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.

3. Variance. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

A. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

B. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

C. In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by this ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

D. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

4. Hearing and Decisions of the Board of Adjustment.

A. Hearings. Upon the filing with the Board of Adjustment of an appeal or a request for a variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

B. Decisions. The Board shall arrive at a decision on an appeal or variance within a reasonable time. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a variance, the Board shall consider such factors as contained in this

section and all other relevant sections of this ordinance and may prescribe such conditions as contained in Chapter 160.07(4)(B)(2).

(1) Factors Upon Which the Decision of the Board of Adjustment Shall Be Based. In passing upon applications for variances, the Board shall consider all relevant factors specified in other sections of this ordinance and:

- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- b. The danger that materials may be swept on to other land or downstream to the injury of others.
- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- e. The importance of the services provided by the proposed facility to the City.
- f. The requirements of the facility for a floodplain location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets, and bridges.
- m. Such other factors which are relevant to the purpose of this ordinance.

(2) Conditions Attached to Variances. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to

further the purpose of this ordinance. Such conditions may include, but not necessarily be limited to:

- a. Modification of waste disposal and water supply facilities.
  - b. Limitation of periods of use and operation.
  - c. Imposition of operational controls, sureties, and deed restrictions.
  - d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this ordinance.
  - e. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
5. Appeals to the Court. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

#### **160.08 NONCONFORMING USES.**

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continue subject to the following conditions:
  - A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this ordinance.
  - B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
  - C. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building or safety condese 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.
2. Except as provided in Chapter 160.08(1)(B), any use which has been permitted as a variance shall be considered a conforming use.

**160.09 PENALTIES FOR VIOLATION.** Violations of the provisions of this ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of variances) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred dollars) or imprisoned for not more than thirty (30) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent the City of Springville from taking such other lawful action as is necessary to prevent or remedy violation.

**160.10 AMENDMENTS.** The regulations and standards set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

*(Chapter 160 – Ord. 19-2021 – Dec. 22 Supp.)*

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**165.01 INTENT AND PURPOSE.** This chapter and the zoning map, which constitute the City of Springville Zoning Ordinance, are adopted with the purpose of improving and protecting the public health, safety, comfort, convenience, and general welfare of the people and in accordance with the *Code of Iowa* Chapter 414.3. The fulfillment of this purpose is to be accomplished by seeking:

1. To preserve the availability of agricultural land;
2. To consider the protection of soil from wind and water erosion;
3. To lessen congestion on the public streets;
4. To avoid undue concentration of population;
5. To prevent the overcrowding of land, thereby ensuring proper living and working conditions and preventing the development of blight and slums;
6. To establish adequate standards for the provision of light, air, and open spaces;
7. To facilitate the provision of adequate transportation, and of other public requirements and services such as water, sewerage, schools, and parks;
8. To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City;
9. To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses;
10. To fix reasonable standards to which buildings and structures shall conform;
11. To promote the conservation of energy resources;
12. To promote reasonable access to solar energy;

13. To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions or limitations imposed herein;
14. To foster a more rational pattern of relationship between residential, business, commercial, and manufacturing uses for the mutual benefit of all;
15. To isolate or control the location of unavoidable nuisance-producing uses; and
16. To prescribe penalties for any violation of the provisions of this chapter or of any amendment thereto.

**165.02 COMPATIBILITY WITH THE COMPREHENSIVE PLAN.** The standards and requirements contained in this chapter and the district mapping reflected on the Zoning District Map have all been made in accordance with the officially adopted *Comprehensive Plan of Springville, Iowa*.

**165.03 DEFINITIONS.** In the interpretation of this chapter the definitions in this section shall be applied, except when the context clearly indicates otherwise.

1. “Accessory building, structure, or use” means a use or structure subordinate to the principal use of a building or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal building or use of land.
2. “Agriculture” means the use of land for the purpose of raising and harvesting crops; or for the raising, breeding or management of livestock, poultry, fish, or honeybees; or for dairying, truck gardening, forestry, nurseries, or orchards; for the noncommercial on-farm storage or processing of agricultural products; or for any similar agricultural, horticultural, silvacultural, or aquacultural use. No farms shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises for the use and consumption of persons residing on the premises.
3. “Alley” means any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.
4. “Alterations, structural” means any change in the supporting members of a building such as bearing walls, columns, beams or girders.
5. “Apartment” means a room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there is a multiple of these units.
6. “Balcony” means an unroofed platform, unenclosed except by a railing, which projects from the outer wall of any building above ground level, with or without support other than the building.
7. “Basement” means that portion of a building which is partly below grade but having more than one-half its height above the average grade of the adjoining ground. The floor to ceiling height will be over seven (7) feet. For the purpose of this chapter, a basement shall not be considered a story unless designed or used for habitable space or business purposes.
8. “Bed and breakfast” means any single-family or multi-family dwelling unit used for the purpose of overnight or temporary lodging for one or more persons wherein meals may also be provided.

9. "Board" means Board of Adjustment, as described in Chapter 414.7 of the *Code of Iowa*.
10. "Boarding house" means a building other than a hotel or motel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons.
11. "Building" means any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind.
12. "Building envelope" means the area of a lot which remains after the minimum yard setbacks, height requirements, and open space requirements of this chapter have been complied with.
13. "Building, height of" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height level between eaves and ridge for gable, hip and gambrel roofs.
14. "Building line" means a line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line.
15. "Building, main or principal" means a building in which is conducted the principal use of the lot on which it is situated.
16. "Cellar" means that portion of a building partially or wholly underground, having half or more than half its clear height below the grade plane. The minimum floor to ceiling height will be seven (7) feet or less for a cellar. A cellar may be habitable provided proper escape exits and egress windows exist. A cellar shall not be counted as a story.
17. "Communication tower" means a metal structure that is used primarily as a communication antenna or as a communication antenna support structure. A structure for the commercial transmittal or broadcast of radio, television, radar or microwaves. However, non-commercial towers eighty (80) feet or less in height shall not be considered communication towers.
18. "Communication/noncommercial tower height" means the distance between the base of a tower and the top of the highest appurtenance mounted on the tower or the top of the tower, whichever is higher. The height is not necessarily the distance between the top of the tower and the ground. Towers in excess of forty (40) feet shall not exceed the overall height recommended by the FAA or FCC.
19. "Conditional use" means the use allowed in a zoning district after approval has been granted by the Zoning Board of Adjustment according to the provisions set forth in Section 165.28(6)(D) of this chapter. A special exception is the same as a conditional use for the purposes of this chapter.
20. "Child day care facility" means a facility in which seven (7) or more children are received for part or all of a day for care and/or instruction. The facility shall be approved and licensed by the State of Iowa. The term "child day care facility" includes but is not limited to the following: nursery schools, child care centers, day nurseries, kindergartens, preschools and play groups, but does not include bona fide kindergartens or nursery schools operated by public or private elementary or secondary school systems.
21. "Deck" means a covered or uncovered platform area projecting from the wall of a building, accessible at or from above grade, and attached to the ground.

22. “Dwelling” means any building or portion thereof which is designed for and used exclusively for residential purposes. Said building shall have an outside dimension of no less than twenty (20) feet by thirty (30) feet, excluding an attached garage, if any.
23. “Dwelling, single-family” means a building designed with accommodations for exclusive occupancy by one family.
24. “Dwelling, two-family” means a building designed with accommodations for occupancy exclusively by two (2) families living independently of each other.
25. “Dwelling, multiple” means a building designed with accommodations in order to be occupied exclusively by more than two (2) families living independently of each other.
26. “Elder family home” means a private household owned by a responsible party offering a social living arrangement for at least two but not more than five persons, the majority of whom are elders, who are not related within the third degree of consanguinity and who are not able or willing to adequately maintain themselves in an independent living arrangement, but who are essentially capable of physical self care. In order to be considered an elder family home for the purposes of this chapter, said elder family home must meet all of the registration conditions outlined in Chapter 231A.2 of the *Code of Iowa*.
27. “Family” means one, two or more persons related by direct lineal descent, marriage, adoption, or placement by a governmental or social service agency, occupying a dwelling unit as a single housekeeping organization. A family may also be two persons not related by blood, marriage, or adoption, and each such person’s respective children (including children born to, adopted by, or placed with said person by a governmental or social service agency) so long as the two (2) persons and their respective children are occupying the dwelling unit as a single housekeeping organization.
28. “Family group care home” means a community-based residential home which is licensed as a residential care facility under Chapter 135C of the *Code of Iowa* or as a child foster care facility under Chapter 237 of the *Code of Iowa* to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. “Family home” does not mean an individual foster care home licensed under Chapter 237 of the *Code of Iowa*.
29. “Farm” means an area of not less than ten (10) acres which is used for the growing of the usual farm products such as vegetables, fruits and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals.
30. “Fence” means a freestanding structure intended to provide privacy, prevent escape or intrusion or to redirect a person’s direction of travel. A fence may be constructed of posts, wire, boards, stone or any standard building materials.
31. “Feedlot, commercial” means a confined area where 500 or more cattle, swine, sheep, or 30,000 or more fowl are housed, penned, and fed.
32. “Floodplain” means lands which are subject to a one percent or greater chance of flooding in any given year.

33. “Floor area” means the total area of all floors of a building as measured to the outside surfaces of exterior walls and not including halls, stairways, elevator shafts, attached garages, porches, and balconies when such area is used for storage or other such incidental use.
34. “Frontage” means all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
35. “Garage, private” means a part of the principal structure used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to it is attached. Not more than one of the vehicles may be a commercial vehicle of not more than two-ton capacity.
36. “Garage, private detached” means an accessory building, meeting private garage standards and constructed according to the City’s regulations, that is subordinate to and detached from the principal structure and used by the occupants of the principal structure to which it is accessory.
37. “Garage, public” means a building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.
38. “Garage, storage” means a building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor driven vehicles, as distinguished from daily storage furnished transients and personal belongings, and at which motor fuels and oils are not sold, and motor driven vehicles are not equipped, repaired, hired or sold.
39. “Garden house” – see “shed.”
40. “Grade” means the average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the street shall be grade. The purpose is to regulate the number of stories and height of a structure.
41. “Hedge” means a boundary formed of a row of closely planted shrubs or bushes.
42. “Home occupation” means any occupation or activity carried on within a dwelling unit or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof.
43. “Hotel” means a residential building licensed by the State and occupied and used principally as a place of lodging for guests. Hotels may or may not provide meals and there are usually no cooking facilities in guest rooms.
44. “Institution” means an establishment occupied or operated by a private or public non-profit corporation, association, organization, or group for use or benefit of the general public.
45. “Junk/salvage yard” means any enclosed or fenced in lot or portion thereof where waste, discarded, or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, or handled, including the dismantling or “wrecking” of

automobiles or other machinery, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.

46. “Kennel” means an establishment where small animals are bred, raised, trained, groomed and boarded for compensation, sale or other commercial purposes.

47. “Loading space” means an off-street space within the main building or on the same lot providing for the standing, loading, or unloading of commercial vehicles, having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

48. “Lot” means a parcel of land occupied or intended for occupancy by one main building together with its accessory buildings officially approved and having its principal frontage upon a dedicated street. The boundaries of the lot shall be determined by its lot lines.

49. “Lot, corner” means a lot abutting upon two (2) or more streets at their intersections.

50. “Lot, depth of” means the average horizontal distance between the front and rear lot lines.

51. “Lot, double frontage” means a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

52. “Lot, interior” means a lot other than a corner lot.

53. “Lot lines” means the lines bounding a lot as defined herein:

A. “Front lot line” means, in the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, or double frontage lot, “front lot line” means that line separating said lot from that street which is designated as the front street in the plat and in the application for a zoning compliance permit.

B. “Rear lot line” means that lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear or triangular shaped, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long farthest from the lot line and wholly within the lot.

C. “Side lot line” means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

54. “Lot of record” means a lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder.

55. “Lot, reversed corner” means a corner lot, the rear of which abuts the side of another lot.

56. “Lot width” means the width of a lot measured at the building line and at right angles to its depth where the minimum building line or setback intersects the side lot lines.

57. “Main building” means a building in which is conducted the principal use of the lot upon which it situated.

58. “Main use” means the principal use to which the premises are devoted and the principal purpose for which the premises exists.
59. “Manufactured home” means a factory-built dwelling, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, *Federal Manufactured Home Construction and Safety Standards*, and is to be used as a place for human habitation, which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home constructed to the *Federal Manufactured Home Construction and Safety Standards* is not a manufactured home unless it has been converted to real property and is taxed as a site built dwelling as is provided in *Code of Iowa* Section 435.26. For the purpose of any of these regulations, a manufactured home shall be considered the same as a single-family detached dwelling.
60. “Mobile home” means a vehicle without motive power used, or so originally constructed as to permit being used, as a conveyance upon the public streets or highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof for human habitation, capable of dwellings, or sleeping quarters and which is being moved, towed or transported by another vehicle. This definition also includes and applies to such vehicles or structures that are located on a permanent or temporary foundation.
61. “Mobile home park” means any site, lot, field or tract of land upon which two or more occupied mobile homes are harbored either free of charge or for revenue purposes and intended for such use shall include any building, structure, tent, vehicle or enclosure intended for use as part of the equipment of such mobile home park.
62. “Mobile home converted to real estate” means a mobile home which has been attached to a permanent foundation on real estate owned by the mobile home owner, rendering it totally immobile, and which has been inspected by the assessor, the mobile home vehicle title, registration, and license plates collected from the owner, and the property entered upon the tax rolls of Linn County.
63. “Modular home” means any single-family dwelling unit which is manufactured in whole or in components at a place other than at the location where it is to be permanently located; which rests on a permanent foundation of slab; which does not have wheels or axles affixed as a part of its normal construction; and which does not require a license by any agency as a motor vehicle, special equipment, trailer, motor home or mobile home.
64. “Motel” means a building or group of buildings in which lodging is provided and offered primarily to transient occupancy and in which each unit has convenient access to a parking space for the use of the unit’s occupants.
65. “Multiple dwelling unit” means a building arranged, designed, and intended for use as a residence by two or more families living independently of each other.
66. “Noncommercial tower” means a metal structure, eight (80) feet or less in height, that is used primarily as a communication antenna or a communication antenna support structure, a structure for the noncommercial broadcast of radio, television, or microwaves.

67. “Nonconforming building” means a building or portion thereof that does not conform to the provisions of this chapter relative to height, bulk, area or yard size requirements for the district in which it is located.

68. “Nonconforming use” means a use which lawfully occupied a building or land but does not conform to the use regulations of the district in which it is located.

69. “Nursing home” means an institution which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients who, on admission, are not as a rule, acutely ill and who do not usually require special facilities, such as an operating room, x-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments, for which continuing medical and skilled nursing care is indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. A major factor which distinguishes a nursing home is that the residents will require the individualization of medical care. For the purpose of this chapter, a “nursing home” shall also be considered a “convalescent home.”

70. “Open space” means the land area of a site not covered by buildings, right-of-ways, parking structures, or accessory buildings, except recreational structures, and which is available to all occupants of units for whose use the space is intended. “Open space” does not include school sites and commercial areas.

71. “Parking space” means a surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than 9' x 20' or one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of vehicles and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for vehicles.

72. “Plan” means The Comprehensive or General Development Plan of the City of Springville.

73. “Principal use” means the main use of land or structures as distinguished from secondary or accessory use. For example, a house is a principal use in a residential area; a garage or pool is an accessory use.

74. “Private” means, in reference to a building, structure, utility, facility, or use, owned by someone other than a unit of government, or an agency of government, unless the context clearly indicates that “private” is being used in a broader sense of something not open or available to the general populace.

75. “Public” means, in reference to a building, structure, utility, facility or use, owned and/or operated by a unit of government or an agency thereof, unless the context clearly indicates that “public” is being used in the broader sense of something available to the general populace.

76. “Quarry” means a location where sand, stone, rock, ore or other materials are extracted from the earth or recycled. Activities associated with quarries include, but are not limited to drilling, crushing, blasting, processing, washing, storage and sales of materials and similar activities.

77. “Setback” means the distance required to obtain the front, side or rear yard open space provisions of this chapter.

78. “Shed” means an accessory structure of not more than 200 square feet in area constructed primarily for storage. (Ord. 8-2020 – Aug. 21 Supp.)

79. “Sign” means any structure or part thereof or device attached thereto or painted, or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word “sign” includes the word “billboard.”

80. “Story” means that portion of a building, other than a basement not having over fifty percent (50%) of its height below grade, 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.

81. “Story, half” means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three (3) feet above the floor of such story, except that any partial story used for residence purposes, other than for janitor or caretaker or his/her family, or by a family occupying the floor immediately below it, shall be deemed a full story.

82. “Street” means an approved public or private thoroughfare which provides the principal means of vehicular access to abutting property and/or for vehicular passage.

83. “Structure” means anything constructed or erected, the use of which requires more or less permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, gazebos, fences, towers, ground-based satellite dishes, and solar collectors.

84. “Travel trailer” or “motor home” means a vehicle with or 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 to permit the vehicle to be used as a place of human habitation by one or more persons. Said vehicle may be up to eight (8) feet in width and any length provided its length does not exceed twenty-eight (28) feet. If such vehicle shall be customarily or ordinarily used as a place of human habitation for more than 90 days in any 18-month period, it shall be classed as a mobile home, regardless of the size and weight limitation provided herein.

85. “Trailer camp” or “tourist camp ground” means an area providing spaces for two or more travel trailers, camping trailers, or tent sites for temporary occupancy, with necessary incidental services, sanitation, and recreation facilities to serve the traveling public.

86. “Variance” means a modification of the literal provisions of the Zoning Ordinance which would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) undue hardship, (b) unique circumstances and (c) applying to property. The authority to grant variances is vested in the Board of Adjustment pursuant to Chapter 414 of the *Code of Iowa*.

87. “Yard” means an open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot lines and the main building line shall be used.

88. "Yard, front" means a yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where the owner elects to front the building on a street parallel to the lot line having the greater dimension.

89. "Yard, rear" means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building line or any projections thereof other than the projections of uncovered steps. On all lots the rear yard shall be in the rear of the front yard.

90. "Yard, side" means a yard between the main building line and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building line or any projections of uncovered steps.

**165.04 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP.** The City is hereby divided into districts, designated as follows:

- A-1     Agricultural
- R-1     Low Density Single-Family Residential
- R-2     Medium Density Single-Family Residential
- R-3     Multi-Family Residential
- R-4     Mobile Home Park
- C-1     Central Business District
- C-2     Highway Commercial
- C-3     Mixed Use Commercial Residential
- M-1     Light Industrial
- M-2     Heavy Industrial
- P-1     Public Use

The locations and boundaries of these districts are shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following statement: *This is to certify that this is the Official Zoning Map referred to in Ordinance No. \_\_\_\_\_ of the City of Springville, Iowa, passed \_\_\_\_\_.* The Official Zoning Map, or a true copy of the same, shall be on file in the office of the City Clerk and shall be final authority as to the correct zoning status of the land, water areas, buildings, and other structures in the City.

**165.05 CHANGES IN OFFICIAL ZONING MAP. <sup>†</sup>**

1. If in accordance with the provisions of Section 165.31 of this chapter and Chapter 414.5 *Code of Iowa*, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Council, with an entry on the Official Zoning Map as follows: *By official action of the City Council, the following changes were made on the Official Zoning Map.* (Indicating the changes by ordinance numbers and date of publication.) No amendment of this chapter which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry have been made on said map.

2. Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words: *This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. \_\_\_\_\_ of the City of Springville, Iowa.* Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

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<sup>†</sup> See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.

3. Any unauthorized change, of any kind whatsoever in the Official Zoning Map, by any person, shall constitute a violation of this chapter and be punishable as provided in Section 165.30.

**165.06 INTERPRETATION OF DISTRICT BOUNDARIES.** Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as following corporate limits shall be construed as following corporate limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main right-of-way.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed to move with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by dimensions shown on the map, or in the absence of dimensions, by the scale of the map.

In the case of further uncertainty, and/or where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.

**165.07 APPLICABILITY OF REGULATIONS.**

1. Territorial Application. This chapter applies to all structures, land, and uses within the corporate limits of Springville, Iowa.
2. Conversion of Use or Building. The conversion of any use or building either to another use or to increase the size or area of the existing use, including the conversion of any building or the conversion of any dwelling to accommodate an increased number of dwelling units, families, or residents, shall be permitted only within a district in which a new building for similar occupancy would be permitted in this chapter and only when the resulting occupancy will comply with the requirements in such districts, with respect to minimum lot size, lot area per dwelling unit, dimension of yards, height, off-street parking and any other applicable requirements.
3. General Prohibition. No building or structure, no use of any building, structure or land, and no lot of record or zoning lot shall be established, altered, moved, divided, or maintained in any manner except in accord with the provisions of this chapter.

**165.08 ANNEXED TERRITORY.** All territory which may be annexed to the City shall be classified according to the Planning and Zoning Commission's recommendations prior to annexation and the territory upon annexation may be immediately so classified. Procedures for classification are established in Section 165.31 of this chapter.

The other provisions of the Code of Ordinances notwithstanding:

1. All structures and fencing that exist on annexed territory at the time of annexation shall be allowed to continue, and be repaired and maintained; and
2. All land uses that exist on annexed territory at the time of annexation shall be allowed to continue and be expanded on to contiguous territory included in the annexation, even though such structures, fencing and uses are not otherwise permitted by the Code of Ordinances.

*(Section 165.08 – Ord. 04-2018 – Nov. 18 Supp.)*

**165.09 VACATED STREETS.** Whenever any street, alley or other public way is vacated by official action of the Council, the district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulation of the extended districts.

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**165.10 A-1 AGRICULTURAL DISTRICT.** The A-1 Agricultural District zoning is intended to maintain and enhance agricultural operations and preserve agricultural lands utilized for crop production or the raising of livestock and to serve as a holding zone for lands where future urban expansion is possible, but not yet appropriate due to the lack of urban facilities and services. The preservation of agricultural land is intended to prevent urban sprawl, control the public costs of providing urban services and reduce urban/rural conflicts which arise as a result of premature development of rural areas. The district is further intended to preserve open space and natural resource areas.

1. Permitted Principal Uses and Structures.
  - A. Agriculture, horticulture, dairy farming, poultry farming, livestock farming, general farming, truck gardening, and other agricultural activities; those structures essential to farming operations not otherwise restricted within this chapter.
  - B. Single-family dwellings.
  - C. Parks, playgrounds, and recreation areas.
2. Permitted Accessory Uses and Structures. Uses and structures accessory to a principal use or special exception use are permitted subject to the provisions of Section 165.23.
  - A. Private garages.
  - B. Farm buildings incidental to agricultural uses.
  - C. Private greenhouses or plant nurseries not operated for commercial purposes.
  - D. Private swimming pools.
3. Special Exceptions. The following special exceptions are permitted in the A-1 District subject to provisions of Section 165.28(6)(D), which mandates the approval of all special exceptions by the Zoning Board of Adjustment.
  - A. Public Utilities.
  - B. Recreational development seasonal or temporary use.
  - C. Roadside stand for sale of produce raised on the premises.
  - D. Dog kennels and dog runs.
  - E. Greenhouses and plant nurseries operated for commercial purposes.
  - F. Airports meeting or exceeding the most current FAA standards and regulations.

## 4. Bulk Requirements.

	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Street Side, Corner Lot	Minimum Rear Yard	Maximum Height
Single-family dwelling	1 acre	150 feet	35 feet	25 feet each side, plus 2 feet for each story above one	35 feet	35 feet	2½ stories or 37.5 feet
All agricultural uses	N/A	N/A	N/A	N/A	N/A	N/A	N/A
All other uses	1 acre	150 feet	40 feet	25 feet	35 feet	40 feet	2½ stories or 37.5 feet

Minimum area shall supersede minimum lot width as specified in the matrix.

A lot of record as of the effective date of this zoning ordinance that has less area or width than herein required may be used for any purpose permitted in this district, provided as other provisions of this chapter are met.

## 5. Minimum Off-Street Parking and Loading Space.

A. Residential dwellings – two (2) spaces for each dwelling unit.

## 6. Special Regulations.

A. Provision must be made for disposal of manure, other organic wastes, or chemicals in such a manner as to avoid pollution of groundwater or any lake, river or receiving stream. Livestock confinement buildings for the purpose of raising hogs, poultry, or cattle must conform to the provisions of paragraph B of this subsection.

B. Agricultural uses are permitted with no restrictions as to the operation of such vehicles or machinery as are customarily incidental to such uses, and with no restrictions to the sale or marketing of products raised on the premises; provided, any building, structure or yard for the raising, feeding, housing or sale of livestock or poultry shall be located at least 300 feet from residentially zoned land, and provided further that there shall be no disposal of garbage, rubbish or offal, other than regular removal, within 300 feet of residentially or commercially zoned land. Pasturing of livestock shall be restricted to no closer than 100 feet of residentially or commercially zoned land.

C. All signage must meet the Sign Regulations described in Section 165.21 of this chapter.

D. Commercial feedlots are specifically prohibited in the A-1 District.

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**165.11 R-1 LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT.** The R-1 District is intended to establish and preserve quiet single-family residential neighborhoods free from other uses except those which are both compatible with and convenient to the residents of such a district. The R-1 District will be comprised of larger lots than required within the R-2 District in order to maintain a low population density.

1. Permitted Principal Uses and Structures.
  - A. Single-family dwellings.
2. Permitted Accessory Uses and Structures. Uses and structures accessory to a principal permitted use or a special exception use are permitted subject to the provisions of Section 165.23.
  - A. Private garages.
  - B. Private swimming pools.
  - C. Private greenhouses not operated for commercial purposes.
  - D. Sheds.
  - E. Temporary buildings used in conjunction with construction work, provided that such buildings are removed within thirty (30) days upon completion of the construction work.
3. Special Exceptions. The following special exceptions are permitted in the R-1 District, subject to provisions of Section 165.28(6)(D), which mandates the approval of all special exceptions by the Zoning Board of Adjustment.
  - A. Cemetery or mausoleum.
  - B. Public utilities.
  - C. Swimming pools, golf courses and country clubs, except miniature courses or driving ranges operated for a profit.
  - D. Nursing homes, family group care homes, elder family homes.
  - E. Child day care centers.
  - F. Churches and temples.
  - G. Public schools, elementary, middle, junior high, and high schools.
  - H. Parochial or private schools having no rooms used regularly for housing or sleeping purposes.
  - I. Public buildings, public and semi-public parks, playgrounds, community centers, libraries, and museums.

## 4. Bulk Requirements.

	Minimum Lot Area	Minimum Lot Width and Depth	Minimum Front Yard	Minimum Side Yard	Street Side, Corner Lot	Minimum Rear Yard	Maximum Building Height
R-1	9,500 Square Feet	80 Feet (width) 100 Feet (depth)	25 Feet	8 Feet	15 Feet	25 Feet	2.5 Stories or 37.5 Feet
All other uses	10,000 Square Feet	80 Feet (width)	40 Feet	20 Feet	20 Feet	40 Feet	2.5 Stories or 37.5 Feet

Minimum width and depth dimensions may not be construed to imply a minimum lot size of 8,000 square feet. In regard to overall minimum lot dimensions set by this chapter, the total area will supersede any conflicting combinations of widths or depths that do not equal the minimum area requirement.

A lot of record as of the effective date of this zoning ordinance that has less area or width than herein required may be used for any purpose permitted in this district, provided all other provisions of this chapter are met.

*(Ord. 01-2017 – Jul. 18 Supp.)*

## 5. Minimum Off-Street Parking and Loading Space.

- A. Dwellings – two (2) spaces for each dwelling unit.
- B. Church or temple – one space for each six (6) seats of average seating in the main auditorium.
- C. Country club or golf club – six (6) spaces for each hole.
- D. Community center, library or museum – ten (10) spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet.
- E. Schools and public buildings – one space for each classroom or office room plus one space for each ten (10) seats of average seating in the main auditorium, stadium or place of public assembly.

All parking and loading spaces shall comply with the *Americans With Disabilities Act*.

[The next page is 831]

**165.12 R-2 MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT.** The intent of the R-2 District is to preserve and uphold existing single-family residential neighborhoods and structures free from other uses except those which are compatible with current land uses of such district.

1. Permitted Principal Uses and Structures.
  - A. Single-family dwellings.
2. Permitted Accessory Uses and Structures. Uses and structures accessory to a principal permitted use or a special exception use are permitted subject to the provisions of Section 165.23.
  - A. Private garages.
  - B. Private swimming pools.
  - C. Private greenhouses not operated for commercial purposes.
  - D. Sheds.
  - E. Temporary buildings used in conjunction with construction work, provided that such buildings are removed within thirty (30) days upon completion of the construction work.
3. Special Exceptions. The following special exceptions are permitted in the R-2 District, subject to provisions of Section 165.28(6)(D), which mandates the approval of all special exceptions by the Zoning Board of Adjustment.
  - A. Mortuary or funeral home.
  - B. Bed and breakfast houses.
  - C. Cemetery or mausoleum.
  - D. Public utilities.
  - E. Swimming pools, golf courses and country clubs, except miniature courses or driving ranges operated for a profit.
  - F. Nursing homes, family group care homes, elder family homes.
  - G. Child day care centers.
  - H. Churches and temples.
  - I. Public schools, elementary, junior high and high schools.
  - J. Parochial or private schools having no rooms used regularly for housing or sleeping purposes.
  - K. Public buildings, public and semi-public parks, playgrounds, community centers, libraries, and museums.

## 4. Bulk Requirements.

	Minimum Lot Area	Minimum Lot Width and Depth	Minimum Front Yard	Minimum Side Yard	Street Side, Corner Lot	Minimum Rear Yard	Maximum Building Height
R-2	6,000 Square Feet	60 Feet (width) 100 feet (depth)	25 Feet	8 Feet	15 Feet	25 Feet	2.5 Stories or 37.5 Feet
All other uses	10,000 Square Feet	80 Feet (width)	30 Feet	15 Feet	20 Feet	30 Feet	2.5 Stories or 37.5 Feet

In regard to overall minimum lot dimensions set by this chapter, the total area will supersede any conflicting combinations of widths or depths that do not equal the minimum area requirement.

A lot of record as of the effective date of this zoning ordinance that has less area or width than herein required may be used for any purpose permitted in this district, provided all other provisions of this chapter are met.

***(Ord. 01-2017 – Jul. 18 Supp.)***

## 5. Minimum Off-Street Parking and Loading Space.

- A. Dwellings – two (2) spaces for each dwelling unit.
- B. Church or temple – one space for each six (6) seats of average seating in the main auditorium.
- C. Country club or golf club – six (6) spaces for each hole.
- D. Community center, library or museum – ten (10) spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet.
- E. Schools and public buildings – one space for each classroom or office room plus one space for each ten (10) seats of average seating in the main auditorium, stadium, or place of public assembly.

All parking and loading space shall comply with the *Americans With Disabilities Act* where applicable.

[The next page is 837]

**165.13 R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT.** The R-3 District is intended to establish and preserve areas containing single-family, two-family, and multiple-family dwellings. It is intended to provide a wide range of housing types while maintaining a moderate density residential character designed to exclude those uses which are not compatible with residential use but permitting certain nonresidential uses which are of particular convenience to the residents of the district.

1. Permitted Principal Uses and Structures.
  - A. Single-family dwellings.
  - B. Two-family dwellings.
  - C. Multi-family dwellings.
2. Permitted Accessory Uses and Structures. Uses and structures accessory to a principal permitted use or a special exception use are permitted subject to provisions of Section 165.23.
  - A. Private garages.
  - B. Private swimming pools.
  - C. Private greenhouses not operated for commercial purposes.
  - D. Sheds.
  - E. Temporary buildings used in conjunction with construction work, provided that such buildings are removed within thirty (30) days upon completion of the construction work.
3. Special Exceptions. The following special exceptions are permitted in the R-3 District, subject to provisions of Section 165.28(6)(D) which, mandates that all special exceptions must be approved by the Zoning Board of Adjustment.
  - A. Bed and breakfast homes.
  - B. Mortuary or funeral homes, cemetery or mausoleum.
  - C. Religious, educational, non-profit charitable institutions and churches and temples.
  - D. Private kindergartens, day nurseries and child day care centers.
  - E. Public utilities.
  - F. Swimming pools, golf courses and country clubs, except miniature courses or driving ranges operated for a profit.
  - G. Nursing homes, family group care homes, elder family homes.
  - H. Public schools, elementary, middle, junior high and high schools.
  - I. Parochial or private schools having no rooms used regularly for housing or sleeping purposes.
  - J. Public buildings, public and semi-public parks, playgrounds, community centers, libraries, and museums.
4. Special Requirements. Separate or divided ownership of each single-family unit of a two-family dwelling unit is permitted, provided the following requirements are met:

A. The lot or parcel of real estate being divided into two parcels allowing separate ownership thereof must originally meet all of the requirements for uses permitted in an R-3 District.

B. A two-family dwelling unit must be in existence or will be constructed thereon, consisting of two laterally attached dwelling units with each unit having a separate access and separate utilities services including gas, water, sewer and electricity.

C. The division of the lot or parcel into two parcels shall be in such a manner as to result in one single-family dwelling unit being located on either side of a common boundary line with the common wall between the two laterally joined single-family dwelling units being on said common boundary line.

D. Prior to division of the lot or parcel into two parcels, there shall be submitted to the Zoning Administrator two (2) copies of proposed restrictive and protective covenants providing that the owners of each parcel upon division are jointly and severally liable and responsible for the maintenance and repair of the common wall as well as of all other common aspects including, but not limited to, utilities, water, sanitary sewer, storm sewer, easements and driveways, all to the point of division. The Zoning Administrator shall, within fifteen (15) days, determine whether the proposed covenants meet the requirements of this subsection and shall thereupon return one copy of the covenants to the owners, at which time the owners shall have said covenants recorded at the office of the Linn County Recorder. If the Zoning Administrator determines that the proposed covenants are not satisfactory, the owner shall be notified and shall submit a further set of proposed covenants which shall embody any corrections or clarifications deemed necessary by the Zoning Administrator.

E. The two-family dwelling unit shall, in all other respects, other than the divided ownership thereof, be considered as any other two-family apartment dwelling and shall meet all requirements pertaining thereto.

5. Bulk Requirements.

	Minimum Lot Area	Minimum Lot Width and Depth	Minimum Front Yard	Minimum Side Yard	Street Side, Corner Lot	Minimum Rear Yard	Maximum Building Height
Single-family Dwelling	9,500 Square Feet	80 Feet (width) 100 Feet (depth)	25 Feet	8 Feet	15 Feet	25 Feet	2.5 Stories or 37.5 Feet
Two-family Dwelling	8,000 Square Feet	80 Feet (width) 100 Feet (depth)	25 Feet	8 Feet (1 Story) 10 Feet (2 Stories) 12 Feet (3 Stories)	15 Feet	25 Feet	2.5 Stories or 37.5 Feet
Multi-family Dwelling	7,000 s.f. plus 1,500 s.f. per dwelling unit over one	80 Feet (width) 100 Feet (depth)	25 Feet	8 Feet (1 Story) 10 Feet (2 Stories) 12 Feet (3 Stories)	15 Feet	25 Feet	3 Stories or 45 Feet
All Other Uses	10,000 Square Feet	80 Feet (width)	40 Feet	20 Feet	25 Feet	40 Feet	3 Stories or 45 Feet

In regard to overall minimum lot dimensions set by this chapter, the total area will supersede any conflicting combinations of widths or depths that do not equal the minimum area requirement.

A lot of record as of the effective date of this zoning ordinance that has less area or width than herein required may be used for any purpose permitted in this district, provided all other provisions of this chapter are met.

***(Ord. 01-2017 – Jul. 18 Supp.)***

6. Minimum Off-Street Parking and Loading Space.
  - A. Dwellings – two (2) spaces for each dwelling unit plus one space for every two (2) roomers.
  - B. Church or temple – one space for each six (6) seats of average seating in the main auditorium.
  - C. Country club or golf club – six (6) spaces for each hole.
  - D. Community center, library or museum – ten (10) spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet.
  - E. Schools and public buildings – one space for each classroom or office room plus one space for each ten (10) seats of average seating in the main auditorium, stadium, or place of public assembly.

All parking and loading space shall comply with the *Americans With Disabilities Act*.

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**165.14 R-4 MOBILE HOME PARK RESIDENTIAL DISTRICT.** The R-4 District is intended to accommodate mobile home parks in those areas of the community where such a use will be compatible with existing and projected development. Mobile home parks may include modular and manufactured housing units. This district will generally be located in outlying areas of the City and should be well served by adequate sewers, water service, streets, police and fire protection, and similar public facilities and services.

1. Permitted Principal Uses and Structures.
  - A. Single-family mobile homes.
  - B. Mobile homes designed for multi-family use.
2. Permitted Accessory Uses and Structures. Uses and structures accessory to a principal permitted use or a special exception use are permitted subject to provisions of Section 165.23.
  - A. Private garages.
  - B. Sheds.
3. Special Exceptions. The following special exceptions are permitted in the R-4 District, subject to provisions of Section 165.28(6)(D), which mandates that all special exceptions must be approved by the Zoning Board of Adjustment.
  - A. Storm shelter.
  - B. Swimming pool.
  - C. Activity center.
4. Special Requirements.
  - A. The maximum overall density shall be eight homes per acre of all land within the mobile home park.
  - B. Manufactured or mobile housing parks shall comply with all applicable requirements of the Iowa Department of Public Health and the Linn County Department of Public Health.
5. Bulk Requirements.

Principal Building	Site Area	Average Site Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Maximum Height
Mobile Home Parks	10 acres	300 feet	50 feet	50 feet	50 feet	35 feet and/or 2½ stories

6. Regulations for Individual Mobile Home Lots within a Mobile Home Park.
  - A. There shall be provided and maintained a minimum distance of 25 feet between mobile homes.
  - B. The individual mobile home lot shall be not less than 80 feet in depth and shall contain not less than 4,000 square feet in area. However, such minimum lot area may be reduced by an amount equal to an area included in common open space (not including land in individual lots, parking areas, or streets contiguous and immediately available to the individual lot or lots having reduced minimum areas), and by means of location, size, shape and landscaping, being designated primarily for the utilization and enjoyment of

the inhabitants of the said contiguous lots. The amount shall be reduced equally among all lots in the mobile home park. However, in no case shall an individual mobile home lot be reduced to an area less than 2,500 square feet.

7. Regulations for Accessory Buildings within a Mobile Home Park.
  - A. All detached accessory buildings and structures shall maintain a minimum of ten (10) feet from the principal building and from all other accessory buildings on the same lot or parcel.
  - B. Maintain a minimum of ten (10) feet from any individual side lot line when the accessory building or structure is located beside the principal building; otherwise maintain a minimum of three (3) feet from any side or rear lot line with any overhang not closer than one foot from the lot line.
  - C. All accessory buildings and structures, with the exception of towers, shall be limited to fifteen (15) feet in height.
  - D. Accessory buildings and structures that are residential private detached garages that are located in the rear yard shall be no larger than 40% of the square footage of the yard behind the principal structure or larger than 1,500 square feet.
  - E. Accessory buildings and structures that are residential private detached garages that are located in a side yard shall be no larger than 1,500 square feet and meet all principal structure front, side and rear yard requirements.
  - F. All residential lots shall be limited to one private detached garage.
  - G. Accessory buildings and structures that are sheds shall not exceed 120 square feet in size and be limited to one per residential lot.
8. Minimum Off-Street Parking and Loading Space.
  - A. Dwellings – two (2) spaces for each dwelling unit plus one (1) space for every two (2) roomers.
  - B. Church or temple – one space for each six (6) seats of average seating in the main auditorium.
  - C. Country club or golf club – six (6) spaces for each hole.
  - D. Community center, library or museum – ten (10) spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet.
  - E. Schools and public buildings – one space for each classroom or office room plus one space for each ten (10) seats of average seating in the main auditorium, stadium, or place of public assembly.

All parking and loading spaces shall comply with the *Americans with Disabilities Act*.

**165.15 C-1 CENTRAL BUSINESS DISTRICT COMMERCIAL DISTRICT.** The intent of the C-1 District is to establish and preserve a central business district convenient and attractive for a wide range of retail uses and business, government and professional offices and places of amusement in a setting conducive to and safe for a high volume of pedestrian traffic.

1. Permitted Principal Uses and Structures.
  - A. Stores and shops for conducting any lawful retail business.
  - B. Personal service shops.
  - C. Banks, theaters, offices, restaurants and taverns.
  - D. Wholesale businesses and professional offices.
  - E. Post offices, police and fire departments and stations, and telephone offices.
  - F. Temples, churches and other public buildings.
  - G. Residential apartments above the first floor. No apartments shall be located on the first floor.
  - H. Single-family dwellings at ground level.
  - I. Multi-family dwellings at ground level.
  - J. Those uses which in the opinion of the Zoning Commission are of the same general character as those listed above as permitted uses, and which will not be detrimental to the district in which they are located.
2. Permitted Accessory Uses and Structures. Uses and structures accessory to a principal permitted use or a special exception use are permitted subject to the provisions of 165.23.
  - A. Communication towers subject to Section 165.23(10).
  - B. Storage of merchandise incidental to the principal use.
  - C. Non-commercial towers, including wind generation equipment and freestanding solar generation equipment.
  - D. Private garages (attached or detached)
  - E. Those uses which in the opinion of the Zoning Commission are of the same general character as those listed above as permitted uses, and which will not be detrimental to the district in which they are located.
3. Special Exceptions. The following special exceptions are permitted in the C-1 District, subject to provisions of Section 165.28(6)(D), which mandates that all special exceptions be approved by the Zoning Board of Adjustment.
  - A. Carnivals, circuses, fairs, or road shows.
  - B. Automobile body repair; automobile service shops.
  - C. Bed and breakfast establishments.

## 4. Bulk Requirements.

	Minimum Lot Area	Minimum Lot Width and Depth	Minimum Front Yard	Minimum Side Yard	Street Side, Corner Lot	Minimum Rear Yard	Maximum Height
Apartments on second floor	6,000 square feet	N/A	N/A	N/A	N/A	N/A	N/A
C-1	No minimum	No minimum	5 feet	No minimum	5 feet	No minimum	3 stories or 45 feet

## 5. Minimum Off-Street Parking and Loading Space.

## A. Parking.

(1) Apartments on second floor – two (2) spaces for each dwelling unit.

(2) Churches, temples and public buildings – one space for each six (6) seats in main auditorium.

## B. Off-street Loading - one space for each 10,000 square feet of floor area or fraction thereof.

Where applicable, all parking and loading spaces shall comply with the *Americans With Disabilities Act*.

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**165.16 C-2 HIGHWAY COMMERCIAL DISTRICT.** The intent of the C-2 District is to establish and preserve general commercial areas consisting of shopping centers and commercial strips where customers reach individual business establishments primarily by automobile.

1. Permitted Principal Uses and Structures.
  - A. All uses permitted in C-1.
  - B. Hotels and motels.
  - C. Automotive service establishments, warehouses, repair shops, service stations and other auto or truck oriented uses, including farm implement sales, service and repair.
  - D. Fruit, vegetable and produce stands.
  - E. Shopping centers or malls.
  - F. Convenience stores.
  - G. Noncommercial towers subject to Section 165.23(10).
  - H. Those uses which in the opinion of the Zoning Commission are of the same general character as those listed above as permitted uses and which will not be detrimental to the district in which they are located.
2. Permitted Accessory Uses. Uses and structures accessory to a principal permitted use or a special exceptions use are permitted subject to the provisions of Section 165.23.
3. Special Exceptions. The following special exceptions are permitted in the C-2 District, subject to provisions of Section 165.28(6)(D), which mandates that all special exceptions be approved by the Zoning Board of Adjustment:
  - A. Public utilities, veterinary clinics, animal hospitals, and kennels.
  - B. Feed mills and grain elevators.
  - C. Carnivals, circuses, fairs, road shows.
  - D. Amusement parks.
  - E. Communication towers, subject to Section 165.23(10).
4. Bulk Requirements.

	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
C-2	10,000 square feet	No minimum	25 feet	None, except where abutting an agricultural or residential district, a minimum of 10 feet	None, except where abutting an agricultural or residential district, a minimum of 30 feet	2½ stories or 37.5 feet

A lot of record as of the effective date of this zoning ordinance that has less area or width than herein required may be used for any purpose permitted in this district, provided all other provisions of this chapter are met.

5. Open Space Required. The total land area devoted to open space and landscaping shall not be less than 10% of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not

include access drives, parking areas, structures or buildings, except ornamental structures included as part of the landscaping theme.

6. Minimum Off-Street Parking and Loading.
  - A. Vehicle and farm implement sales, service and repair establishments – one and one-half (1.5) parking spaces for each employee.
  - B. Bowling alley – five (5) spaces for each lane or alley.
  - C. Dance halls, theaters, places of amusement, and skating rinks – one space for each 100 square feet of floor area.
  - D. Motels and hotels – one space for each unit or suite plus one space for each 200 square feet of commercial floor area.
  - E. Barber shop – one space for each 200 square feet of floor area.
  - F. Professional and business offices not listed elsewhere – one space for each 100 square feet of floor area.
  - G. Restaurants, private clubs, night clubs, cafes and taverns – one space for each 100 square feet of floor area.
  - H. Supermarkets, shopping centers, retail stores and service establishments – one space for each 150 square feet of floor area and outdoor sales space.
  - I. Furniture, appliance, hardware, building supplies, banks and financial institutions – one space for each 250 square feet of floor area.

Where applicable, all parking and loading spaces shall comply with the *Americans with Disabilities Act*.

**165.17 C-3 MIXED USE COMMERCIAL RESIDENTIAL DISTRICT.** The intent of the C-3 District is to accommodate certain low intensity commercial uses and residential uses in a mutually compatible environment. The uses permitted are generally characterized by a low volume of traffic and limited outdoor advertising to protect the abutting and surrounding residential areas.

1. Permitted Principal Uses and Structures.
  - A. Antique, craft, gift and hobby shops.
  - B. Art and photography galleries and studios.
  - C. Barber and beauty shops.
  - D. Business and professional offices and personal services offices.
  - E. Churches and temples.
  - F. Single-family dwellings.
  - G. Two-family dwellings.
  - H. Multi-family dwellings.
  - I. Those uses which in the opinion of the Zoning Commission are of the same general character as those listed above as permitted uses and which will not be detrimental to the district in which they are located.
2. Permitted Accessory Uses. Uses and structures accessory to a principal permitted use or a special exceptions use are permitted subject to the provisions of Section 165.23.
3. Special Exceptions. The following special exceptions are permitted in the C-3 District, subject to provisions of Section 165.28(6)(D), which mandates that all special exceptions be approved by the Zoning Board of Adjustment:
  - A. Public utilities.
  - B. Child day care facilities.
  - C. Family group care homes.
  - D. Veterinary clinics, animal hospitals and kennels.
  - E. Nursing homes.
4. Bulk Requirements.

	Minimum Lot Area	Minimum Lot Width and Depth	Minimum Front Yard	Minimum Side Yard	Street Side, Corner Lot	Minimum Rear Yard	Maximum Height
Residential Uses	6,000 square feet	60 feet	25 feet	5 feet	12 feet	25 feet	2½ stories or 37.5 feet
C-3	6,000 square feet	60 feet	25 feet	7 feet	12 feet	None, except where abutting on an agricultural or residential district, a minimum of 15 feet	3 stories or 45 feet

## 5. Minimum Off-Street Parking and Loading.

## A. Parking.

- (1) Dwellings – two (2) spaces for each dwelling unit.
- (2) Churches or temples – one space for each six (6) seats of average seating in main auditorium.
- (3) Retail establishments such as antique shops; art, craft and hobby shops; book and stationery shops; gift shops; and radio and television sales and service shops – one space for each 200 square feet of floor area.
- (4) Barber and beauty shops – one space for each 200 square feet of floor area.
- (5) Business and professional offices such as those for lawyers, engineers and architects, charitable organizations, accounting and bookkeeping, newspapers, insurance and real estate, and offices in which goods, wares or merchandise are not displayed or sold on the premises – one space for each 200 square feet of floor area.
- (6) Services such as tailors and dressmakers, business and management consulting, credit reporting and collection, and employment – one space of each 200 square feet of floor area.
- (7) Facilities such as art galleries; photographer, art, sculptor, and composer studios; and music, art and dance academies – one space for each 200 square feet of floor area.
- (8) Health related offices and services such as licensed massage therapy offices and clinics; research testing services; chiropodist, chiropractor and osteopath offices and clinics; dentist offices and clinics; medical, dental and similar testing laboratories; and optician offices – one space for each 200 square feet of floor area.
- (9) Physicians offices and clinics – one space for each 100 square feet of floor area.

## B. Loading - one space for each 10,000 square feet of floor area or fraction thereof.

Where applicable, all parking and loading spaces shall comply with the *Americans With Disabilities Act*.

**165.18 M-1 LIGHT INDUSTRIAL DISTRICT.** The intent of the M-1 District is to establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses, and to make provision for certain kinds of commercial uses which are necessary to service the immediate needs of people in these areas.

1. Permitted Principal Uses and Structures.
  - A. Animal pound or kennel.
  - B. Light manufacturing facilities.
  - C. Grain elevators and feed mills.
  - D. Building material sales and storage and storage garages and public garages.
  - E. Railroads and public utilities.
  - F. Wholesaling and warehousing but not including the bulk storage of liquid fertilizers or flammable liquids.
  - G. Automobile, truck or farm body repair and paint shops, sales and service.
  - H. High technology wholesaling and manufacturing to include electronics, medical and bio-genetics, computers and software research, and related activities.
  - I. Noncommercial towers subject to Section 165.23(10).
  - J. Those uses which in the opinion of the Zoning Commission are of the same general character as those listed above as permitted uses, and which will not be detrimental to the district in which they are located.
2. Permitted Accessory Uses and Structures. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of Section 165.23.
3. Special Exceptions. The following special exceptions are permitted in the M-1 District, subject to provisions of Section 165.28(6)(D), which mandates that all special exceptions must be approved by the Zoning Board of Adjustment:
  - A. Communication towers, subject to Section 165.23(10).
  - B. Carnivals, circuses, fairs, road shows.
  - C. Stock yards and/or sales barns and yards.
4. Bulk Requirements.

	Minimum Lot Area	Minimum Lot Width and Depth	Minimum Front Yard	Minimum Side Yard	Street Side, Corner Lot	Minimum Rear Yard	Maximum Height
M-1	10,000 square feet	No Minimum	29 feet	10 feet	20 feet	15 feet	4 stories or 60 feet

A lot of record as of the effective date of this zoning ordinance that has less area or width than herein required may be used for any purpose permitted in this district, provided all other provisions of this chapter are met.

5. Transitional Yards.

A. Where a side or rear lot line coincides with a side or rear lot line in an adjacent Residence or Commercial District, a yard shall be provided along such side or rear lot line and such yard shall be at least equal in depth to that yard required in the abutting district.

B. Where a lot within M-1 District fronts on a street which forms the boundary line between the M-1 District and a Residential or Commercial District, then such lot shall provide a front yard at least equal in depth to the front yard required in such abutting district.

6. Open Space Required. The total land area devoted to open space and landscaping shall not be less than 10% of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings, except ornamental structures included as part of the landscaping theme.

7. Minimum Off-Street Parking and Loading Space.

A. Parking – all permitted industrial uses – one space for each employee on duty at any one time, plus one for each vehicle used by the industry.

B. Off-Street Loading – one space, 50 feet by 12 feet, for each 20,000 square feet of floor area or fraction thereof.

Where applicable, all parking and loading spaces shall comply with the *Americans With Disabilities Act*.

[The next page is 865]

**165.19 M-2 HEAVY INDUSTRIAL DISTRICT.** The intent of the M-2 District is to establish and preserve areas for necessary industrial and related uses of such a nature that they require isolation from many other kinds of land uses, and to make provision for commercial uses which are necessary to service the immediate needs of people in their areas.

1. Permitted Principal Uses and Structures.
  - A. Bulk storage of petroleum products and commercial fertilizers.
  - B. Asbestos, brick and clay products manufacture.
  - C. Concrete products and central mixing and proportioning plant.
  - D. Structural iron and steel fabrication.
  - E. Heavy manufacturing facilities.
  - F. All other uses permitted under M-1.
  - G. Quarries.
  - H. Those uses which in the opinion of the Zoning Commission are of the same general character as those listed above as permitted uses, and which will not be detrimental to the district in which they are located.
2. Permitted Accessory Uses and Structures. Uses and structures accessory to a principal permitted use or a conditional permitted use are permitted subject to the provisions of Section 165.23.
3. Special Exceptions. The following special exceptions are permitted in the M-2 District, subject to provisions of Section 165.28(6)(D), which mandates the approval of all special exceptions by the Zoning Board of Adjustment:
  - A. Carnivals, circuses, fairs, road shows.
  - B. Communication towers, subject to Section 165.23(10).
  - C. Materials recycling and junk yards, including automobile wrecking and/or salvage.
  - D. Fertilizer manufacturer.
  - E. Stock yards, slaughter houses, poultry processing and packaging, and/or sale barns and yards.
  - F. Explosive manufacturer or storage.
  - G. Acid manufacturer.
4. Bulk Requirements.

	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Street Side,	Minimum Rear Yard	Maximum Height
M-2	No minimum	No minimum	35 feet	15 feet	25 feet	25 feet	4 stories or 60 feet
Quarries	1 acre	150 feet	35 feet	25 feet	25 feet	30 feet	60 feet

Not more than 60 percent of the lot area may be covered by building, including accessory buildings.

In addition, not more than 80 percent of the lot area may be covered by impervious surfaces, such as buildings, driveways, parking areas and sidewalks.

5. Transitional Yards.
  - A. Where a side or rear lot line coincides with a side or rear lot line in an adjacent Residence or Commercial District, or an existing residential use, a yard shall be provided along such side or rear lot line not less than forty-five (45) feet in depth and shall contain landscaping and planting so designed and/or planted to provide an effective visual screen, when viewed horizontally, between two (2) feet and eight (8) feet above average ground level.
  - B. Where a lot within M-2 District fronts on a street which forms a boundary line between the M-2 District and a Residential or Commercial District, then such lot shall have a front yard of not less than forty-five (45) feet in depth. Parking shall not be permitted therein, and such yard shall be appropriately landscaped with grass and/or other suitable plantings.
6. Open Space Required. The total land area devoted to open space and landscaping shall not be less than 10% of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings, except ornamental structures included as part of the landscaping theme.
7. Minimum Off-Street Parking and Loading Space.
  - A. Parking – all permitted industrial uses – one space for each employee on duty at any one time, plus one for each vehicle used by the industry.
  - B. Off-Street Loading – one space, 50 feet by 12 feet, for each 20,000 square feet of floor area or fraction thereof.

Where applicable, all parking and loading spaces shall comply with the *Americans With Disabilities Act*.

8. Extractive Uses. This use as defined in this section as a quarry shall include excavation, extraction, recycling of materials and minerals, open pits, impounding of waters, batch plants and processes that utilize construction aggregates for Federal, State, County, municipal and commercial construction projects. The establishment of such a use shall require the following:

- A. Site Plan. A site plan of the excavation or impounding area shall be prepared by a licensed engineer or land surveyor and filed with the City showing the confines or limits thereof. A reclamation plan showing post-closure plans that conform with the Iowa Department of Agriculture Land Stewardship (IDALS) regulations shall also be filed with the City. The site plan and reclamation plan may be revised in the future, so long as such revisions comply with the provisions of the Code of Ordinances. Any such revisions must be filed with the City prior to implementation.

- B. Required Conditions. The following conditions are required:

- (1) The site plan shall specify the amount and location of overburden excavated materials to be stockpiled on site. In addition, the site plan shall provide the following:

- a. A plan for the fencing of a quarry.
    - b. Current MSHA standards for dust and noise control.

c. A plan for buffering as required.

(2) During operation, fence, properly guard, and keep any pit or excavation in such condition as not to be dangerous from caving or sliding banks. A substantial fence or earthen barrier measuring at least six (6) feet in height must surround the area of actual quarrying to help prevent unauthorized persons from entering the area to their potential endangerment. The fence or earthen barrier may be constructed ongoing at the area of actual quarrying.

(3) Surface water runoff shall be handled through NPDES permits. This provision does not include dewatering activities.

(4) Provide adequate signage for public safety, such as “Trucks Hauling” signs. In addition, truck access to any quarry operation shall be so arranged as to minimize danger to traffic and nuisance to neighboring properties.

(5) For the purpose of retaining impounded waters, provide impoundment structures of sufficient strength and durability and maintain such structures in safe and proper condition.

(6) Setbacks from rivers and streams shall be governed by IDNR regulations.

C. Buffering. The use of buffers shall be required between quarries and commercial and residential zoning districts and land uses. The following provisions apply to property that is contiguous to commercial and residential zoning districts and land uses:

(1) All buffer areas shall be landscaped and fenced to provide a visual screen. Buffering may include any of the following:

a. Fencing.

b. Landscaping. Landscaping shall consist of native plant and tree species.

c. Stormwater management. Buffer areas may include drainage swales, stormwater detention or infiltration areas only if landscaping requirements can still be met.

d. Berms. Berms may only be used if native plant and tree landscaping requirements can still be met. Berms must be vegetated to minimize erosion and to slow stormwater runoff.

(2) Maintenance. All buffer areas shall be kept free of litter, debris, noxious weeds, and species of plants identified by the Iowa DNR exotic or invasive.

D. Setbacks. No part of the (i) blasting area in the quarry pit, (ii) stockpiles, (iii) waste piles, (iv) processing equipment, (v) scales or (vi) truck parking shall be closer than one-hundred (100) feet of the public right-of-way. In addition, all other property boundary setbacks shall conform to the Iowa Department of Agriculture Land Stewardship (IDALS) regulations. Exempt from setback rules are berms and buffering structures used for visual screening and security and any aforementioned non-conforming feature per Ordinance 165.08.

E. Quarry Rehabilitation Requirements. Within two years after the termination of quarrying operations, the area of actual quarrying operations must be rehabilitated to a condition of reasonable physical attractiveness and, as practical, restored to the following standards:

- (1) Slope. The slope of earth material in any excavated pit must not exceed the angle of slippage.
- (2) Topsoil and Ground Cover. Where filling of the pit is desirable and economically feasible, the fill must be a kind and depth to sustain grass, plants or trees and such must be planted.
- (3) Drainage. To prevent any silt, erosional debris or other loose material from filling any existing drainage course or encroaching on neighboring property, all surface drainage existing or developing by or through the topsoil site must be controlled by dikes, barriers or drainage structures. All measures to control natural drainage or floodwater must meet IDNR requirements.
- (4) Removal of Plant and Equipment. Within two years after termination of operations, all plant and equipment must be removed. If substantially covered, foundations and piers may be left in the ground.

*(Section 165.19 – Ord. 2-2018 – Nov. 18 Supp.)*

[The next page is 871]

**165.20 P-1 PUBLIC USE DISTRICT.** It is intended that the P-1 District provide reference on the zoning map to public uses of land. Thus land owned by the City, United States Federal Government, State of Iowa, Linn County or the Springville Community School District will be designated Public Use.

1. Permitted Principal Uses and Structures.
  - A. Use of land, buildings or structures of the aforementioned governmental entities or political subdivision thereof.
  - B. Agriculture.
  - C. Park.
2. Permitted Accessory Uses and Structures. Uses subject to the provisions of Section 165.23.
3. Special Exceptions. No requirements.
4. Bulk Requirements. No requirements.
5. Minimum Off-Street Parking and Loading Spaces. No requirements.

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**165.21 SIGN REGULATIONS.** Regulation of the size, location, and certain features of signs is necessary to enable the public to locate goods, services and facilities without disruption to surrounding areas; to prevent wasteful use of natural resources; to prevent hazards to life and property; and to assure the continued attractiveness of the community.

1. Nameplates. Signs bearing only property numbers, postal box numbers, names of occupants of premises, private parking, or other identification of premises are permitted within all residential districts. Such signs shall comply with the following:
  - A. Shall not exceed two (2) square feet in area.
  - B. Must be attached to a structure.
2. Church or Public Bulletin Boards. Such signs are permitted in all districts except M-1 and M-2 Districts and shall not exceed twenty-five (25) square feet.
3. Temporary Signs Advertising the Lease or Sale of the Premises or Items on the Premises. Such signs shall comply with the following:
  - A. Shall not be placed in street right-of-way in any district.
  - B. Shall not exceed ten (10) square feet in total area in the following districts: A-1, R-1, R-2, R-3, R-4, M-1, M-2, C-1 and C-3.
  - C. Shall not exceed twelve (12) square feet in total area in the following districts: C-2, M-1, M-2.
  - D. Must be removed seven (7) days after closing date of sale.
4. Billboards and Advertising Signs. The City requires that all persons wishing to erect a billboard or advertising sign, in any district, must first notify the City Official in charge of permits. If the billboard or advertising sign meets the requirements as set forth in this section, the permit official will issue a free permit for the sign.
  - A. All signs erected at the property line must be elevated at least 10 feet from the ground to the bottom of the sign. All of the sign must be within the property limits, no hang-over is allowed beyond the property line. Signs erected at the ground level must be set back at least 5 feet.
  - B. All signs erected according to this section must meet all other applicable Federal and State laws even though said Federal and State laws may not be exhibited in this Code.
  - C. No restrictions as to size apply in A-1 District, provided that such signs and billboards:
    - (1) Are not within one hundred (100) feet of any residential district.
    - (2) Are not within one hundred (100) feet of an intersection, highway structure, or residence, or another billboard.
    - (3) Are not within one hundred (100) feet of a park, school, cemetery, public, or semi-public building.
    - (4) Are not within seventy-five (75) feet of the centerline of a City or County road, or one hundred (100) feet of State or Federal highway.

D. Billboards and advertising signs are permitted in C-1 districts, provided they are not to exceed twenty-five (25) square feet in area and are attached to the building in which the establishment is located and shall not be within twenty (20) feet of any residential district or use.

E. Billboards and advertising signs are permitted in C-2 districts, provided they are not to exceed three hundred (300) square feet in area and shall not be within thirty (30) feet of any residential district or use. If applicable, signs in the C-2 district shall meet all IDOT highway sign requirements.

F. Billboards and advertising signs are permitted in C-3 district, provided they are not to exceed 20 square feet in area and are attached to the building in which the establishment is located.

G. No size restrictions apply in M-1 and M-2 districts, provided:

- (1) They are not within fifty (50) feet of any residential district.
- (2) They are not within one hundred (100) feet of an intersection, highway structure, or residence, or another billboard.
- (3) They are not within one hundred (100) feet of a park, school, cemetery, public, or semi-public building.
- (4) They are not within seventy-five (75) feet of the centerline of a City or County road, or one hundred (100) feet of State or Federal highway.

5. Illumination of Externally Visible Signs and Nameplates. The following regulations apply with regard to the illumination of externally visible signs and nameplates:

A. Shall not exceed 200 watts total and shall be lighted only with non-intermittent lighting in the following districts: R-1, R-2, R-3, R-4 and dwellings in C-1.

B. Shall not exceed 600 watts per externally visible sign or total watts of 700 for all externally visible signs on the premises and shall be lighted only with non-intermittent lighting in a C-2 district.

C. All signs resembling traffic lights or other safety lights are strictly prohibited in all districts.

D. No further restrictions apply to other districts or uses.

6. Maintenance of Signs. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use ceases, they shall be removed within sixty (60) days of the date that their use ceases and the surrounding area restored to a condition free from refuse and rubbish.

#### **165.22 FENCE, HEDGE AND RETAINING WALL REGULATIONS.**

1. Generally. Fences and hedges, when located within a front, side or rear yard, or within five (5) feet of a lot line, shall be subject to the following location and height restrictions:

A. No portion of a fence shall exceed seven (7) feet in height.

- B. Fences and hedges shall be located so no part thereof is within three (3) feet of an alley or three (3) feet of a street right-of-way.
- C. In residential districts, fences within the front yard shall not exceed four (4) feet in height.
- D. Before issuing a permit for a fence proposed to be located on a lot line that is shared by two different property owners, the City shall require the following conditions to be met:
  - (1) The owners of the properties that share the lot line on which the proposed fence will be located must sign a written agreement that outlines: the material from which the fence will be constructed, the location of the fence, the height of the fence, and the agreement of both property owners to all of the above conditions.
  - (2) The agreement must then be filed with the County Recorder.
  - (3) A copy of the agreement and proof of its filing with the County Recorder must be presented to the City Official responsible for the issuing of fence permits before the permit will be issued.
  - (4) If agreement cannot be reached between the property owners on a shared lot line fence, any fence constructed on either property must be a minimum of (3) feet from said shared lot line.
- 2. Swimming Pools. (Repealed by Ordinance No. 6-2020 – Aug. 21 Supp.)
- 3. Barbed Wire and Electric Fences. Barbed wire and electric fences are subject to the following requirements:
  - A. Barbed wire and electric fences shall not be allowed in residential or commercial zones.
  - B. Barbed wire and electric fences shall be prohibited within five (5) feet of a public sidewalk or within four (4) feet of a street right-of-way where a public sidewalk does not exist.
  - C. Electric fences shall not be permitted in any district except for the enclosure of livestock operations in Agricultural Districts (A-1).
  - D. No electric fence shall carry a charge greater than twenty-five (25) milliamperes or a pulsating current longer than one-tenth (1/10) per second in a one-second cycle. All electric fence chargers shall carry the seal of an approved testing laboratory.
- 4. Temporary Fences. Temporary fences shall be subject to the following requirements:
  - A. A temporary fence (for example, snow fence or garden fencing) may be erected for a period no longer than six (6) months.
  - B. No permit is required for a temporary fence.
  - C. All temporary fences shall abide by all other fence regulations.
- 5. Retaining Walls. Retaining walls when located within five (5) feet of a lot line shall be subject to the following location restrictions:

A. Retaining walls shall be located so no part thereof is within three (3) feet of an alley or 3 feet of a street right-of-way.

B. Retaining walls shall be located so no part thereof is within three (3) feet of the property line, except if proposed retaining wall is to be located directly on a lot line that is shared by two different property owners, the City shall require the following conditions to be met:

(1) The owners of the properties that share the lot line on which the proposed retaining wall will be located must sign a written agreement that outlines the material the retaining wall will be constructed from, the location of the retaining wall, the height of the retaining wall, which property owner is responsible for continued maintenance and the agreement of both property owners to all of the above conditions.

(2) The agreement must then be filed with the County Recorder.

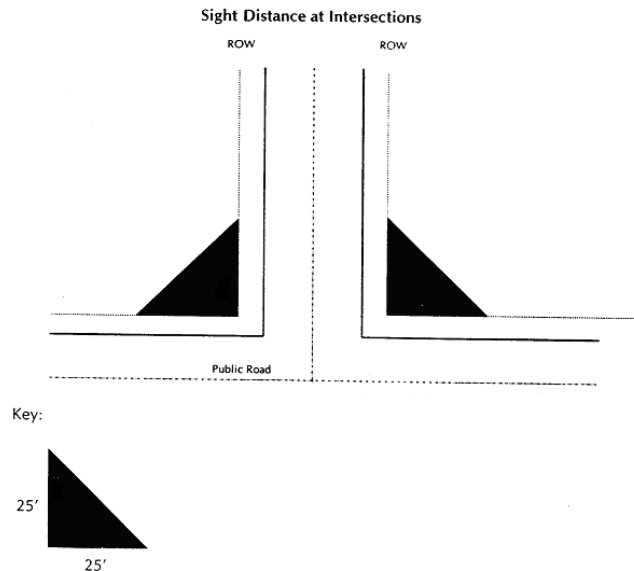
(3) A copy of the agreement and proof of its filing with the County Recorder must be presented to the City Official responsible for the issuing of permits before the permit will be issued.

(4) If agreement cannot be reached between the property owners on a shared lot line retaining wall, any retaining wall constructed on either property must be a minimum of three (3) feet from said shared lot line.

All fences (except temporary fences) and retaining walls shall require a permit before construction. Building permits for a fence shall be issued by the Zoning Administrator.

**165.23 SUPPLEMENTARY DISTRICT REGULATIONS.**

1. **Visibility at Intersection.** On a corner lot in any agricultural or residential district, no fence, wall, hedge or other planting, sign or structure that will obstruct vision between a height of two and one-half (2½) feet and ten (10) feet above the centerline grades of the intersecting street shall be erected, placed or maintained within the triangular area formed by the right-of-way lines at such corner and a straight line joining said right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.



2. **Accessory Building and Structures.** Accessory buildings or structures must meet the following requirements:

- A. No accessory building or structure shall be erected more than one hundred twenty (120) days before the time of completion of the construction or establishment of the principal structure or use to which it is accessory.
- B. All accessory buildings and structures, with the exception of towers, shall be limited to fifteen (15) feet in height.
- C. All accessory buildings and structures, with the exception of fences and towers, shall be at a distance of at least five (5) feet from any main building.
- D. All accessory buildings and structures, with the exception of fences, shall be at a distance of at least five (5) feet from the property line.
- E. Accessory buildings and structures that are residential private detached garages that are located in the rear yard shall be no larger than forty percent (40%) of the square footage of the yard behind the principal structure or larger than 1,500 square feet.

F. Accessory buildings and structures that are residential private detached garages that are located in a side yard shall be no larger than 1,500 square feet and shall meet all principal structure front, side and rear yard requirements.

G. All residential lots shall be limited to one private detached garage.

H. Accessory buildings and structures that are sheds shall not exceed 200 square feet in size and shall be limited to one per residential lot.

*(Subsection H – Ord. 8-2020 – Aug. 21 Supp.)*

3. More Than One Principal Structure on a Lot. In any district, more than one principal structure housing a permitted principal use may be erected on a single lot provided that the area, yard, and other requirements of this chapter are met for each structure as though it were on an individual lot.

4. Height Regulation Exception. The height limitations contained in the Schedules of District Regulations do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above roof level and not intended for human use or occupancy.

5. Use of Public Right-of-Way. No portion of the public street or alley right-of-way shall be used or occupied by an abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this chapter, or for any other purpose that would obstruct the use or maintenance or the public right-of-way.

6. Proposed Use Not Covered in this Chapter. Any proposed use not covered in this chapter as a permitted use or special exception shall be referred to the Planning and Zoning Commission for a recommendation as to the proper district in which such use should be permitted and this chapter shall be amended by the Council as provided in Section 165.31 before a permit is issued for such proposed use.

7. Buildings to Have Access. Every building erected or structurally altered shall be on a lot having frontage on a public street.

8. Persons With Disabilities Parking. Where persons with disabilities parking spaces are required by State law, a minimum of two percent (2%) of the vehicle capacity of the off-street parking area shall be so designated by the proper signs and insignia.

9. Home Occupations. Home occupations are allowed in all residential zones provided that no home occupation shall be permitted when it is associated with the following characteristics:

A. Any disturbance such as noise, vibration, smoke, dust, odor, heat or glare beyond the confines of the dwelling unit or accessory building.

B. Any exterior display, exterior storage of materials, signs (except as otherwise permitted), house calls after 10:00 p.m. or before 7:00 a.m., or other indication from the exterior that the dwelling unit or accessory building is being used in part for any use other than that of a dwelling or accessory building for purely residential purposes.

C. Employees other than those residing on the premises.

D. Utilizes no more than two on-street parking spaces at any one time.

10. Communication and Noncommercial Towers. All radio station, television, or other communication towers and noncommercial towers are subject to the following minimum regulations:

- A. All towers shall comply with all applicable City codes.
- B. All towers 50 feet or less in height shall comply with all applicable district regulations contained in this chapter for the district in which the tower is located. The setback requirements shall be those applied to accessory structures in that particular district. This applies to the entire structure including any guy wires.
- C. All towers 51 to 80 feet in height shall comply with all applicable district regulations of this chapter for the district in which the tower is located. The setback requirements for the guy wires shall be those applied to accessory structures in that particular district. The setback requirements for all other parts of the tower shall be those applied to principal structures in that particular district.
- D. All towers 81 feet or more in height shall be constructed only after receiving approval of a variance from the Board of Adjustment. The Board of Adjustment may impose additional setback requirements in conjunction with the variance approval. All towers erected after receiving a variance shall comply with all applicable district regulations of this chapter for the district in which the tower is located.
- E. Installation and base requirements must meet the manufacturer's requirements, specifications, and recommendations.

11. Eaves or Structural Overhangs. Eaves and structural overhangs may extend up to three (3) feet beyond the setback requirement, provided they are two (2) or more feet from the lot line.

12. Permanent Foundation for Residences. All dwelling units converted to real estate, including mobile homes, modular homes and factory built homes located outside of a mobile home park as defined in the *Code of Iowa* shall comply with all ordinance requirements relating to residences or homes in the City (including setback and other yard requirements) and shall be affixed to a permanent perimeter foundation constructed of concrete, concrete blocks with mortar or other permanent material approved by the Council.

#### **165.24 APPLICATION OF DISTRICT REGULATIONS.**

1. Regulations to Be Uniformly Applied. The regulations set by this chapter shall apply uniformly within each district to each class or kind of structure or land, except as hereinafter provided.

2. All Uses and Structures to Conform. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

3. Height, Density and Yards Shall Not Be Violated. No building or other structure shall be erected or altered to exceed the height, to accommodate or house a greater number of families, or to have narrower or smaller rear yards, front yards, side

yards, or other open spaces than herein required or in any other manner contrary to the provisions of this chapter.

4. Separate Yards, Open Space and Off-Street Parking Required. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purposes of complying with this chapter shall be included as a part of a yard, open space, or off-street parking or loading space similarly required for any other building.

5. Minimum Yards and Lot Areas Shall Not Be Reduced. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

#### **165.25 NONCONFORMING USES.**

1. Intent. If within the districts established by this chapter or amendments that may later be adopted there exist lots, structures and uses of land and structures which were lawful before this zoning code was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments, it is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of the zoning code that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures, signs or uses prohibited elsewhere in the same district, except in compliance with this chapter. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this zoning code and upon which actual building construction has been diligently carried on. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that if the demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

2. Nonconforming Lots of Record. A lot of record as of the effective date of this chapter that has less area or width than herein required may be used for any purpose permitted in the district in which it is located, provided all other provisions of this chapter are met.

3. Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of this zoning code, a lawful use of land exists that is made no longer permissible under the terms of this zoning code as enacted and amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased or extended to occupy a greater use of land than was occupied at the effective date of adoption or amendment of this zoning code.

- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this zoning code.
- C. If any such nonconforming use of land ceases for any reason for a period of more than one hundred eighty (180) days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
4. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this zoning code that could not be built under the terms of this zoning code by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be so continued so long as it remains otherwise lawful, subject to the following provisions:
- A. Nonconforming structures may be enlarged or altered in a way which increases its nonconformity only through the special exception process. An application for a special exception to enlarge or increase a nonconforming use shall be made to the Board of Adjustment. The Board of Adjustment may make additional conditions when considering an application to enlarge or increase a nonconforming use in order to lessen the impact of the proposal on neighboring uses. No such nonconforming structure shall be enlarged or increased through this section if, in the determination of the Board of Adjustment, the proposed increase shall negatively impact neighboring uses.
- B. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. The determination of the replacement cost must be determined by a licensed property appraiser.
- C. Nothing in this code shall be deemed to prevent the alteration or construction of medical related improvements to a nonconforming use such as accessible ramps or clear floor space for accessible restrooms or other related improvements to meet the Americans with Disabilities Act.
5. Nonconforming Uses Of Structures. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this zoning code, that would not be allowed in the district under the terms of this zoning code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- A. No existing structure devoted to a use not permitted by this code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located, or in compliance with subsection 4(A) above.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this zoning code, but no such use shall be extended to occupy any land outside such building.

C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

D. When a nonconforming use of a structure, land, or structure and land in combination, is discontinued or abandoned for six (6) consecutive months, the structure thereafter shall not be used except in conformance with regulations of the district in which it is located.

E. Where nonconforming use status is applied to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

6. Repairs or Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased, except in compliance with subsection 4(A). Nothing in this chapter shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**165.26 ADMINISTRATION AND ENFORCEMENT.** An Administrative Officer designated by the City Council shall administer and enforce this chapter. Said officer may be provided with the assistance of such other persons as the Council may direct. If the Administrative Officer finds that any of the provisions of this chapter are being violated, said officer shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Administrative Officer shall order discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to insure compliance with or to prevent violation of its provisions. Appeals from any decision of the Administrative Officer may be taken to the Board of Adjustment as provided in Section 165.28(6)(B).

**165.27 PERMITS AND FEES.** No building and/or structure shall be erected, reconstructed or structurally altered, nor shall any work be started upon the same, until a construction permit has been issued by the Administrative Officer, which permit shall state that the proposed building and/or structure complies with all provisions of this chapter. The permit applicant will be responsible for supplying a site plan that displays the conformance of the building and/or structure with all requirements set forth in this chapter. The permit is valid for one year following issuance. At the end of the one-year period, the applicant may purchase a one-time, three-month extension on the permit for a fee that will be established from time to time by resolution of the City Council. The Administrative Officer is directed to issue permits under this chapter for the construction or alteration of residential, commercial or industrial buildings, and to charge fees therefor in such amounts as may be established from time to time by resolution of the City Council. Such fees shall be credited to the General Fund of the City. Building permits shall be issued without charge, however, to: (a) the United States Government or any political subdivision thereof, and (b) the State of Iowa or any political subdivision thereof, and (c) to any religious group for the construction of a church or parochial school.

**165.28 BOARD OF ADJUSTMENT.**

1. Creation and Membership. A Board of Adjustment is hereby established. The Board shall consist of five (5) members to be appointed for staggered terms of five (5) years. Members of the Board of Adjustment may be removed from office by the Council for cause upon written charges and after public hearing. Vacancies shall be filled by the Council for the unexpired term of the member affected. Membership of the Board of Adjustment can consist of members of the Planning and Zoning Commission. However, Planning and Zoning Commission membership on the Board of Adjustment can never be the majority membership of the Board of Adjustment.
2. Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or, in his or her absence, the acting Chairperson may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Administrative Officer and shall be a public record.
3. Finality of Decisions and Necessary Vote. All decisions and findings of the Board on any appeal or upon any application for a variance or conditional use, after a public hearing, shall, in all instances, be the final administrative decision and shall be subject to judicial review as by law may be provided. A quorum for a meeting of the Board of Adjustment shall consist of at least three (3) of the (5) members being present. A quorum shall be necessary for a meeting to be considered an official meeting which allows the Board to take action on any issue before it. The concurring vote of three (3) members of the Board shall be necessary to reverse an order, requirement, decision, or determination of the Administrative Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter. Any issue that receives less than three (3) concurring votes of the members present at an official meeting shall be considered defeated.
4. Appeals From the Board of Adjustment. Any person or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record within thirty (30) days of such decision, by filing a petition for certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality, as provided by the laws of the State and particularly by Chapter 414.15 of the *Code of Iowa*.
5. Fees. Fees in such amounts as may be established from time to time by resolution of the Council, shall be paid to the Administrative Officer at the time an appeal, variance, conditional use, or revised site plan is filed, which the Administrative Officer shall forthwith pay over to the credit of the General Fund of the City.
6. Powers and Duties of the Board. The Board of Adjustment shall have the following powers and duties:

A. Administrative Review. The Board shall hear and decide appeals where it is alleged there was error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this chapter.

B. Appeals. Appeals concerning the interpretation or administration of this chapter may be taken to the Board of Adjustment by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Administrative Officer.

(1) Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days, by filing with the Administrative Officer and with the Secretary of the Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all paper constituting the record upon which the action appealed from was taken.

(2) The Board of Adjustment shall fix a reasonable time, not exceeding thirty (30) days from the date of appeal, for the hearing, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time, not exceeding 15 days from the date of the hearing. At the hearing any party may appear in person or by agent or attorney.

C. Stay of Proceeding. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with such officer, that by reason of facts stated in the certificate, a stay would, in the opinion of the Administrative Officer, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Administrative Officer from whom the appeal is taken and on due cause shown.

D. Special Exceptions: Conditions Governing Applications; Procedures. The Board shall hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this chapter; decide such questions as are involved in determining whether special exceptions should be granted; and grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:

(1) A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.

(2) Notice shall be given not less than seven (7) or more than twenty (20) days in advance of the public hearing in the manner required for a public hearing by the *Code of Iowa* for cities the size of Springville. Notice shall also be mailed to all property owners within a distance of two hundred feet (200') of the affected property.

(3) The public hearing shall be held. Any party may appear in person, or by agent or attorney.

(4) The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter. The Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

E. Variances; Conditions Governing Application. The Board shall authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

(1) A written application for a variance is submitted demonstrating:

(a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(b) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(c) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance; and

(d) That the special conditions and circumstances do not result from the actions of the applicant.

(2) Notice of public hearing shall be given as in subparagraph D(2) of this subsection, and in accordance with the State of Iowa Open Meetings Law (Chapter 21 of the *Code of Iowa*).

(3) The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

(4) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance,

and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

(5) The Board of Adjustment shall make findings that the requirements of subparagraph (1) above have been met by the applicant for a variance.

(6) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

(7) The decision of the Board shall be recorded in the official minutes of the Board of Adjustment meeting.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

**165.29 INTERPRETATION OF PROVISIONS.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing higher standards, shall govern.

**165.30 VIOLATIONS AND PENALTIES.**

1. Any person who violates or fails to comply with the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined a penalty as provided in Section 1.14 of this Code of Ordinances and may be required to pay all costs and expenses involved in the prosecution of the violation. Alternatively, any person who violates or fails to comply with the provisions of this chapter shall be guilty of a municipal infraction pursuant to Chapter 3 of this Code of Ordinances. Each day that a violation of any provision of this chapter continues shall constitute a separate offense.

2. The owners or tenant of any building, structure, land or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation or fails to comply with any provision of this chapter may each be charged with such violation. Each day such violation continues shall constitute a separate offense.

3. If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure or land is used in violation of this chapter, the City may, in addition to other remedies, institute an injunction, mandamus, or other appropriate lawful action necessary to prevent, correct or abate such violation.

**165.31 CHANGES AND AMENDMENTS.**

1. Procedure. The regulations imposed and the districts created by this chapter may be amended from time to time by the Council, but no such amendments shall be made without public hearing before the Council and after a report upon the amendment from the Planning and Zoning Commission. If the Commission makes no report within thirty (30) days from the date of passage of the Council's motion referring the matter to the Commission, the Council may proceed with a public hearing without such report or recommendation. At least seven (7) days' notice of the time and place of such hearing shall be given according to the requirements for public hearings in the Iowa Code for cities the size of Springville. In the event that one or more of the following events should occur, such amendment shall not be passed except by the favorable vote of at least four-fifths of all members of the Council:

- A. The Commission recommends disapproval of the change, or
- B. A protest against such change is filed with the Council and signed by the owners of twenty percent (20%) or more of the area of the lots included in the proposed change, or
- C. A protest against such change is filed with the Council and signed by the owners of twenty percent (20%) or more of the lots immediately adjacent to the rear of the lots to be rezoned extending a depth which is not to exceed two hundred (200) feet therefrom, or
- D. A protest of such change is filed with the Council and signed by owners of twenty percent (20%) or more of the lots directly opposite the lots to be rezoned, extending the depth which is not to exceed two hundred (200) feet from the street frontage of such opposite lots.

2. Form of Application. An application for rezoning shall contain the following items:

- A. The legal description and local address of the property.
- B. The present zoning classification and the zoning classification requested for the property.
- C. The existing use and proposed use of the property.
- D. The names and addresses of the owners of all property within two hundred (200) feet of the property for which the change is requested.
- E. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
- F. A plat or site plan showing the locations, dimensions, and use of the applicant's property and all property within two hundred (200) feet thereof, including streets, alleys, railroads, and other physical features.

3. Additional Requirements. The following will also be required on the aforementioned site plan:

- A. North arrow and scale.
- B. Size and location of existing and proposed structures and drives on the subject property, and existing structures and drives on surrounding properties.

- C. Name and address of landowner.
- D. Date of preparation of the plan.

4. Application Fee. Before any action is taken upon an application as provided in this section, the applicant shall pay to the Administrative Officer a fee in such amount as may be established by resolution of the Council. The Administrative Officer shall forthwith pay over such fees to the credit of the General Fund of the City. The failure to approve an application for rezoning shall not be construed as any reason for refunding the fee to the applicant.

EDITOR'S NOTE		
The following ordinances have been adopted amending the Official Zoning Map described in Section 165.05 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.		
ORDINANCE NO.	DATE ADOPTED	DESCRIPTION
3-95	August 21, 1995	Rezoning from A-1 to R-2
6-95	December 4, 1995	Rezoning from R-3 to C-2
5-2004	October 4, 2004	Rezoning from R-3 to C-1
6-2004	November 1, 2004	Rezoning from R-2 to C-2
5-2009	November 2, 2009	Rezoning from C-2 to C-3
12-2010	July 15, 2010	Rezoning from R-3 to C-1
09-2012	November 5, 2012	Rezoning from C-1 to R-2
1-2015	March 16, 2015	Rezoning from C-2 to R-3
3-2015	June 15, 2015	Rezoning from R-3 to M-2
10-2019	February 4, 2019	Rezoning to M-2
12-2019	April 15, 2019	New Zoning Map
13-2019	May 6, 2019	Rezoning from R-2 to R-3
11-2021	March 1, 2021	Rezoning to M-2
12-2021	June 21, 2021	Rezoning to M-1
2-2022	October 3, 2022	Rezoning to A-1

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## CHAPTER 166

# SUBDIVISION REGULATIONS

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**166.01 PURPOSE.** The purpose of this chapter is to provide for the harmonious development of the City and adjacent territory by establishing appropriate standards for streets, blocks, lots, utilities and other improvements by promoting coordination with existing development and by establishing procedures and conditions for the approval of the subdivision of land in the interest of the health, morale, safety and general welfare in the City of Springville, Iowa.

**166.02 DEFINITIONS.** For the purpose of this chapter certain terms or words used herein shall be interpreted and defined as follows, unless the context requires otherwise:

1. “Alley” means an open public right-of-way dedicated to the City and intended only for use as a secondary means of vehicular access to abutting property.
2. “Applicant” means the owner of land to be subdivided or the owner’s representative.
3. “Arterial street” means a public street right-of-way whose principal function is to provide for through traffic and is designed to carry a large volume of traffic.
4. “Auditor’s plat” means a subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the Auditor of Linn County, Iowa.
5. “Block” means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.
6. “Bond” means any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City Council.
7. “Collector street” means a public street right-of-way whose principal function is to provide for carrying traffic from local streets to arterial streets.

8. “Commission” means the Planning and Zoning Commission of the City of Springville.
9. “Cul-de-sac” means a public street right-of-way which is the termination of a local street with a turnaround and does not access another street.
10. “Developer” – see “subdivider.”
11. “Easement” means an authorization by a property owner for another to use a designated part of the property for a specified purpose.
12. “Frontage” means that portion of a lot abutting on a street or way and complying with the setback and front yard requirements as they may exist, but it is not to be considered as the side of a corner lot.
13. “Local street” means a public street right-of-way whose principal function is to provide for access to abutting property and for moving local traffic.
14. “Lot” means a platted tract of land identified by a number or letter designation on a plat approved by the City Council or the Linn County Auditor.
15. “Owner” means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
16. “Parcel” means a tract of land under one ownership. A parcel can consist of two or more tracts of adjacent land of different size under one ownership.
17. “Plat” means a drawing on which the subdivider’s plan for the subdivision of the land is presented to the City for approval. The first plat is the preliminary plat showing all streets, lots, utilities and required information. The second plat is the final plat which is a legal survey document to be recorded with the County Recorder, upon City approval.
18. “Plat of survey” means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
19. “Public improvements” means improvements designed and constructed by the developer and dedicated to and owned by the City of Springville, for which the City will ultimately assume the responsibility of maintenance and operation and shall include the following:
  - Public Parks or Open Space
  - Sanitary Sewer Facilities
  - Storm Sewer and Storm Water Management Facilities
  - Streets, Curb and Gutter
  - Street Lighting, Signs
  - Water Distribution System
20. “Re-subdivision” means any subdivision of land that has previously been included in a recorded plat.
21. “Right-of-way” means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term “right-of-way” for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the

lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

22. “Subdivider” means the owner of the property being subdivided, or such other person or entity empowered to act on the owner’s behalf.

23. “Subdivider’s engineer” means a licensed professional engineer registered in Iowa retained by the subdivider to prepare subdivision plats and construction documents for public improvements and to certify completion of construction in compliance with City-approved documents to the City Engineer.

24. “Subdivision” means the division of land into three (3) or more lots or parcels.

25. “Subdivision, minor” means any subdivision that contains not more than two (2) lots fronting on an existing street and that does not require construction of any public improvements and that does not adversely affect the remainder of the parcel. Any such subdivision shall be classified as a minor plat and shall require a plat of survey.

26. “Surveyor” means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B the Code of Iowa.

27. “Utilities” means systems for the distribution or collection of water, gas, electricity, wastewater, storm water, cable television, telecommunications, or any other utility.

28. “Zoning” means the classification of land in the City of Springville and land located within two (2) miles of the City limits, pursuant to the Zoning Ordinance of the City and the 28E Agreement with Linn County.

All other terms used in these regulations, including all required public improvements, shall have their normal, most common meaning.

**166.03 JURISDICTION.** All plats, replats or subdivision of land divided into three (3) or more parts for the purpose of laying out a portion of the City of Springville or lots within two miles of the corporate limits of the City shall be submitted to the City in accordance with the provisions of this chapter and shall be subject to the requirements contained herein.

**166.04 PROCEDURES.** The owner of any tract of land situated within the City, or insofar as applicable, within two miles of the corporate limits of the City pursuant to the Iowa Code, who may hereafter subdivide the same into three or more parts for the purpose of laying out a subdivision into lots with streets, sidewalks, parks, and other public improvements intended for public use or for the use of purchasers or owners of lots shall comply with the requirements of this chapter and other ordinances of the City as applicable.

1. Pre-Submission Consultation. Prior to the submission of the preliminary plat for any subdivision, the subdivider is encouraged to meet with the City Engineer and other City officials responsible for the administration of these regulations to be advised of the process, required improvements, design standards, and platting requirements. During such meeting, no commitments shall be made which will be binding upon the City. For the pre-submission consultation and before the submission of the preliminary plat, the subdivider shall provide a sketch plan showing the entire property owned and the general location of all streets and lots and general arrangement of intended land uses in relation to the surrounding area.

2. Preliminary Plat. The owner or developer of any tract of land to be subdivided into three or more parts shall cause a preliminary plat to be prepared in accordance with the requirements of this chapter and shall file with the City Clerk seventeen (17) copies of the plat by the first day of each month.

A. The City Clerk shall immediately transmit copies of the plat to the following:

- Planning and Zoning Commission: 7 copies
- City Council: 5 copies
- Mayor: 1 copy
- City Clerk: 1 copy
- City Engineer: 1 copy
- On file at City Hall: 2 copies

B. The City Engineer shall review the plat for conformance with this chapter and file a letter of report with the Clerk, who shall distribute the report to the Commission and Council by the end of the month.

C. The Commission shall examine the plat to determine whether or not it complies with the provisions of this chapter and the Land Use Plan of the City and shall have 30 days within which to submit a recommendation to the City Council, unless the owner or developer agrees to an extension of time. If the Commission does not act within 30 days or the agreed upon time extension, the plat shall be deemed approved by the Planning and Zoning Commission. The Commission may request changes to the proposed preliminary plat or set conditions as necessary. If the Commission recommends approval, it shall express its approval as “tentative approval” and state the conditions of such approval, if any.

D. The City Council, within thirty (30) days of receipt of the Commission’s recommendation, sixty (60) days from the date the preliminary plat is submitted, or by the date of any extended agreement for review of the preliminary plat, whichever occurs first, shall by resolution approve, reject or make changes or set conditions to the preliminary plat. Approval of the preliminary plat by the Council shall be deemed an expression of approval of the layout submitted and a guide to the preparation of the final plat and approval to proceed with the final plat. Such approval shall not be construed as approval of the final plat or approval of final design plans for proposed public improvements.

3. Final Plat. A final plat shall be submitted within 12 months of the approval of the preliminary plat, or such approval shall expire and the preliminary plat shall be resubmitted pursuant to the requirements of this chapter. The final plat shall comply with and conform to the preliminary plat as approved or modified by the Council and shall comply with the following:

A. Procedures for filing the final plat shall be the same as set out for preliminary plats described above except that all copies shall be bound together with the information required in this chapter.

B. When the plat has been approved by the City Council by resolution accepting said plat and all copies duly certified, one copy shall be delivered to the City Clerk and two copies to the owner or developer. It shall be the responsibility of the owner or developer to file the final plat and all

accompanying documents in the office of the Recorder of Linn County. The owner or developer shall forward after recordation of the plat, the book and page number where the plat is recorded.

4. **Plats Outside the Corporate Limits.** Procedure for approval for preliminary and final plats of land within two miles of the corporate limits shall be the same as for preliminary and final plats of subdivisions within the City and in compliance with the City County Strategic Growth Plan, and all agreements entered into between the City and Linn County.
5. **Joint Submission of Preliminary and Final Plat.** For a minor subdivision, an owner or developer may submit a preliminary and final plat to the City Council and Commission in one set of documents. The submitted documents shall set forth that the owner or developer is submitting the plat as a joint preliminary and final plat. The documents submitted shall comply with all the requirements of this chapter. The City Council or the Commission may reject the filing of the joint preliminary and final plat and elect to treat the documents as the filing of a preliminary plat.
6. **Minor Subdivisions.** The requirement for preparing a preliminary plat may be waived for the owner or developer of any tract of land to be subdivided into two parts and that does not require construction of any public improvements and that does not adversely affect the remainder of the parcel. In such case, a plat of survey shall be prepared in accordance with the requirements of the Code of Iowa and the Linn County Auditor.

**166.05 PRELIMINARY PLATS.** The preliminary plat shall be prepared by a licensed engineer at a scale of one inch equals one hundred feet (1" = 100'). The plat shall be plainly marked "preliminary plat" and shall include the following information:

1. The legal description of the property with the boundaries of the proposed subdivision indicated by a heavy line.
2. Name of proposed subdivision (shall not duplicate or resemble existing subdivision names), north point, scale, date and name of surveyor or engineer and the name and address of the owner. Furthermore, it shall include a reference to two (2) section corners within the U.S. Public Land System in which the plat lies or, if the plat is a subdivision or any portion of an official plat, the location of two (2) established monuments.
3. Contour lines at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten percent (10%) and not more than five (5) feet if the general slope is 10% or greater.
4. Proposed block and lot lines with dimensions, radii, chords and the square foot areas of each and the lot and block number in numerical or alphabetical order.
5. Location and character of existing and proposed easements showing widths and purposes.
6. Location and names of all adjoining properties with the names of owners.
7. Location, names, widths, grades, types and widths of surfaces of all existing and proposed streets, sidewalks, trails and alleys, with their rights-of-way, and how they connect with existing streets, sidewalks, trails and alleys as well as the location of street lights, fire hydrants and planting strips.

8. Location of areas dedicated for public use, such as parks, playgrounds, schools, open areas or other public or semi-public uses.
9. Location of existing structures, lots, culverts, sewers, drain pipes, bridges, surface and subsurface features, utilities and other rights-of-way.
10. Location of present and proposed utility systems including sanitary and storm sewers and structures, other drainage facilities, water lines, gas mains, electric utilities and other facilities, with size, capacity, invert elevation and location of each.
11. Building setback or front yard lines and the required side and rear yard dimensions for the proposed lots and existing and proposed zoning of the proposed subdivision and all adjoining property.
12. Location of all proposed monuments.
13. Vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
14. A signature block for endorsement by the City Clerk certifying the City Council's approval of said plat.
15. A cross section of the proposed streets showing the roadway location, type of curb and gutter and the paving and sidewalks to be installed as well as for all other proposed public improvements.
16. The drainage of the land including proposed storm sewers, ditches, culverts, bridges and other structures.
17. Boundaries of the highest known flood of record affecting the subdivision and the source of information as well as the 100 year Flood Plain elevations and limits.
18. If the developer desires to reserve any portion or strip of land, the location, dimensions, square-footage, and shape of said land shall be disclosed. This reserved land must be of sufficient size and shape to be of practical use or service in the future as determined by the City.
19. Table of the following:
  - A. Total acreage of the proposed subdivision;
  - B. Total number of lots;
  - C. Minimum, average and maximum lot areas;
  - D. Acreage of public lands to be dedicated or reserved other than streets;
20. The following documents shall accompany the preliminary plat submittals:
  - A. A complete listing of all existing covenants which apply to the land to be subdivided, and a complete list of all proposed covenants which are proposed by the developer to apply to the subdivided land.
  - B. An attorney's opinion showing that the fee title to the proposed subdivision property is in the owner's name as shown on the plat and showing any encumbrances that may exist against the land.
  - C. If any portion of the proposed subdivision is to have access on a State or County jurisdictional street, a written and signed statement acknowledging and permitting the access by the duly authorized official of the appropriate jurisdiction.

- D. A list of names and addresses of all property owners within 200 feet of the boundary of this subdivision.

**166.06 FINAL PLAT.** The final plat shall comply with and conform to the preliminary plat as approved or modified by the Council and shall meet the following specifications:

1. The final plat shall be made from an accurate survey and drawn to 100 feet to the inch or larger scale by a licensed surveyor which has performed said survey in compliance with Iowa Code Chapter 355. The scale shall be clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the lands subdivided and shall contain the following:

A. Name of the subdivision with accurate boundary lines, with dimensions and angles which provide a land survey of the tract. Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement or other areas shown on the plat, as well as the outer boundary of the subdivision.

B. Accurate references to known or permanent monuments giving the bearing and distance from some corner of a lot or block in an approved subdivision of the City or to some corner of the congressional division of which the City or the addition thereto is apart.

C. Accurate locations of the existing recorded streets intersecting the boundaries of the tract.

D. Accurate legal description of the boundary of the subdivision.

E. Street names.

F. Complete curve notes for all curves in the subdivision plan including radius, central angle and tangent and length of curve and chord bearing.

G. Street lines for streets and alleys within the subdivision with accurate dimensions in feet and hundredths of feet with angles to streets, alleys and lot lines. The location and width of easements for public and City utilities with accurate dimensions in feet and hundredths of feet.

H. Block and lot numbers or letters and dimensions of all lots. A bearing and distance will be shown on all lot lines.

I. Accurate dimensions for any property to be dedicated or reserved for public or community use or for the use of owners of lots in the subdivision.

J. All adjoining properties shall be identified by lot number, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown.

K. All interior excepted parcels shall be clearly indicated and labeled "not a part of this plat."

L. Name and address of the owner and subdivider.

M. North point, scale and date.

N. Certification of a registered land surveyor of the State of Iowa as to the accuracy of the plat.

- O. The final plat shall be accompanied by a proposed form resolution for the approval of the plat by the City Council.
  - P. A signature block for endorsement by the City Clerk certifying the City Council's approval and a signature block for endorsement by the public utilities certifying their agreement as to the utilities easements for said subdivision.
2. The final plat shall also be accompanied by the following documents:
- A. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council;
  - B. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the Code of Iowa may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
  - C. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.
  - D. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.
  - E. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
  - F. A certificate by the City Engineer that all required improvements and installations have been completed according to the construction plans submitted with the preliminary plat, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.
  - G. The encumbrance bond, if any.
3. The final plat shall also conform to the following:
- A. The plat shall be a permanent copy of photographic print made on a stable plastic film. Exact copies of the final plat to be recorded shall be provided to and filed by the Linn County Recorder, Assessor and Auditor.

B. The size of each sheet showing any portion of the subdivided land shall not be greater than 18 inches by 24 inches or less than 8½ inches by 11 inches.

C. Whenever more than one sheet is used to accurately portray the land subdivided, each sheet shall display both the number of the sheet and the total number of sheets included in the plat, as well as clearly labeled match lines indicating where the other sheets adjoin. An index sheet shall be provided to show the relationship between each sheet.

D. Chapter 354 and 355, Code of Iowa, for subdivisions and surveys.

**166.07 REQUIRED IMPROVEMENTS AND DESIGN STANDARDS.** No final plat shall be approved either by the Commission or by the Council unless it conforms to the following minimum standards and requirements. The type of construction, the materials, the methods and standards of subdivision improvements shall be as specified by the City Council. Plans and specifications shall be submitted to the City Engineer for review prior to final plat approval. Construction shall not be started until the plans and specifications have been approved by the Council. In addition to the requirements established herein, all subdivisions shall comply with the following:

1. State Statutes. All applicable statutes of the State of Iowa, including the requirements and rules of State agencies such as the Iowa Department of Natural Resources, Department of Health and Department of Transportation.
2. County Standards and Regulations. All applicable standards and regulations of Linn County.
3. City Plans and Regulations. The Comprehensive Plan for the City of Springville, the City County Strategic Growth Plan, as well any capital improvement plan for the City, also the City Zoning Ordinance and any other standards and regulations adopted by the City.
4. SUDAS. The *Statewide Urban Design Standards and Specifications* Manuals, as amended. These manuals shall serve as guidelines for standards of design and construction of public improvements.

**166.08 STREETS, DRIVEWAYS, SIDEWALKS AND TRAILS.** Streets shall conform to the following general requirements and design standards:

1. Frontage Roads. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street.
2. Grading and Improvement Plan. Streets shall be graded and improved to include sidewalk rights-of-way and conform to the City construction standards and specifications and shall be approved as to design and specifications of the City Engineer.
3. Topography and Arrangement. Streets shall be in conformance with the following requirements related to topography and arrangement:
  - A. Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.

- B. Streets shall provide for the continuation of arterial and collector streets from adjoining platted areas, and the extension of such streets into adjoining unplatted areas. Where a plat encompasses the location for an arterial or collector street proposed in the Comprehensive Plan, the plat shall provide for such street.
  - C. All arterials shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
  - D. Local streets should be designed to discourage through traffic while safely connecting to collector or arterial streets.
  - E. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Council such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or advantageous future development of adjacent tracts.
4. Access to State or County Jurisdictional Roads. Whenever any part of a subdivision is designed with access to a road under State or County jurisdiction, permission for access to such roads shall be obtained from the appropriate jurisdiction and such access shall be designed according to the standards of the appropriate jurisdiction. Written proof of this approval shall be submitted to the City of Springville.
5. Access to Arterial Streets. Where a subdivision borders on or contains an existing or proposed arterial street, the Council may require that lot access to such streets be limited by one of the following means:
- A. Lots shall be designed so as to back onto the primary arterial and front onto a parallel municipal service street; no access shall be provided from the arterial street, and screening shall be provided in a strip of land along the rear property line of such lots.
  - B. A series of cul-de-sacs entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial street.
  - C. A frontage or service road, separated from the primary arterial by a planting or grass strip and having access thereto at suitable points.
6. Street Names. Streets that are or will become extensions of existing streets shall be given the same name as existing streets. New street names shall not be the same or sound similar to existing street names. All street names shall be at the approval of the City Council.
7. Street Name Signs. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the Council. The City shall install all street name signs. The owner and subdivider shall deposit with the City at the time of final subdivision approval, the estimated cost of installation of each street sign required by the Council.
8. Street Lights. Installation of street lights shall be required in accordance with design, construction, and specification standards approved by the Council. Street lighting shall be installed at intersections, along walkways, and at entryways into the subdivision. The light shall be directed downward.

9. Dead-End Streets and Private Streets.
  - A. Dead-end streets are prohibited, except where a street is planned to continue past the subdivider's property, a temporary dead end may be allowed. A "T" or "L" shaped turnaround shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside normal street right-of-way shall revert to abutting lots when the street is continued. The length of dead-end streets may be limited by the Council.
  - B. Private streets, not dedicated to the City, shall be avoided. The City Council may approve a private street where unusual conditions make a private street desirable, provided adequate covenants or other legal documents ensure that the City will not have or need to assume any maintenance or other responsibility for such street and that such street will be built to City Standards to assure hard-surfaced, all weather access to each lot for emergency vehicle access.
10. Street Design Standards. The following design standards shall apply to the design and construction of streets within the City. In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are required:
  - A. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on municipal arterial and collector streets, and seventy-five (75) feet on municipal local streets.
  - B. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than one hundred (100) feet for municipal service and collector streets, and of such greater radii as the Council shall determine for special cases.
11. Minimum Roadway and Right-of-Way Standards. Minimum roadway and right-of-way standards shall be as follows (wider rights-of-way and roadways may be required where deemed appropriate by the City Engineer and the City Council):
  - A. Municipal arterial streets shall have a right-of-way width of not less than eighty (80) feet and a roadway width of not less than forty-five (45) feet.
  - B. Municipal collector streets shall have a right-of-way width of not less than sixty-six (66) feet and a roadway width of not less than thirty-six (36) feet.
  - C. Municipal local streets shall have a right-of-way of not less than sixty (60) feet and a roadway width of not less than twenty-eight (28) feet.
  - D. Cul-de-sacs shall meet all the requirements for local streets and, in addition, shall provide a turn-around with the outer edge of paving at a 45-foot radius and the right-of-way at a 60-foot radius.
  - E. Streets that connect with other streets, or loop streets, are preferable for maintenance, fire protection, and circulation. Every effort shall be made to minimize the use of cul-de-sacs. Cul-de-sacs shall not exceed five hundred (500) feet in length.

F. Street grades, wherever feasible, shall not exceed the following:

- Municipal arterial streets - six percent (6%).
- Municipal collector streets - eight percent (8%).
- Municipal local streets - ten percent (10%).
- Frontage streets - six percent (6%)

G. All changes in street alignment shall be connected with horizontal curves, and all changes in street grade shall be connected by vertical curves of minimum length in feet designed in accordance with AASHTO "Green Book" provisions. Any changes in street grade shall conform to design and construction standards as adopted by the City Council.

H. No street grade shall be less than one-half (1/2) of one percent, unless extreme conditions warrant.

12. Street Surfacing and Improvements. After sewer, water, and other utilities to be located underground within the right-of-way have been installed by the owner and subdivider, the owner and subdivider shall construct curbs and gutters and shall surface or cause to be surfaced, roadways according to design and construction standards as adopted by the City Council. Said surfacing shall be of Portland Cement Concrete or Hot Mix Asphalt Paving. Adequate provisions shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, gutters, turnarounds and sidewalks shall conform to all additional constructions standards and specifications adopted by the City, including, but not necessarily limited to the following:

A. The pavement slab shall be constructed of the following materials:

(1) Non-reinforced Portland cement concrete conforming to the Iowa Department of Transportation C-4 mix or M-4 as applicable; or

(2) Full depth asphaltic concrete hot mix conforming to the Iowa Department of Transportation standards for Type A surface course. Four inches of granular base material may be substituted for one-inch of asphaltic concrete hot mix. The granular base material shall be a minimum of four inches thick and a maximum of 12 inches thick. The granular base material must conform to the Iowa Department of Transportation standards for crushed stone special backfill.

(3) The recommended pavement thickness in inches is as outlined in the following table:

Street Classification	Portland Cement Concrete	Full Depth Asphaltic Concrete
Arterial	9-inch*	11-inch
Collector	8-inch	10-inch
Local	7-inch	9-inch
* Thickness requirements for arterials are intended as a guide only. Specific projects will be designed on the basis of soil conditions and projected traffic loading.		

B. The curb and gutter shall be constructed of Portland cement concrete to a thickness as required for respective street classification and shall be required on both sides of all streets with one driveway entrance per lot.

C. The curbs and gutter cross section shall consist of 6-inch vertical curb with a 2'6" concrete gutter which includes the curb. Where the street paving

is integral Portland cement concrete, then there shall be no separation between the curb and gutter section and the paving. A four-inch roll over curb is not acceptable.

D. A minimum of two sets of concrete test cylinders for each 500 cubic yards of paving, but no less than one set per day, shall be made. A test shall consist of three (3) test cylinders. Slump and air content tests shall be made at the frequency of one test per 200 cubic yards and the results recorded along with appropriate test cylinder information. Cylinders shall be laboratory cured, and conform with ASTM specification C31 and C39.

E. The subgrade shall be scarified to a depth of 12 inches below the pavement, and compacted to 95% of Standard Proctor Density for Portland cement concrete pavement and to 95% of Standard Proctor Density for asphaltic cement concrete pavement.

F. The subgrade in fill shall be 95% of Standard Proctor Density.

G. Successful compaction density tests shall be conducted, one per every 150 linear feet of street subgrade per 8-inch fill lift and at locations to be selected by the Design Engineer.

13. Excess Right-of-Way. Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes as specified in the design and construction standards as adopted by the City Council.

14. Railroads and Limited Access Highways. Railroad rights-of way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

A. In residential districts a buffer strip at least twenty-five (25) feet in width in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way, or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: *Landscape Buffer. The placement of structures hereon is prohibited.*

B. In districts zoned for business, commercial, or industrial uses the nearest extended parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

C. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

15. Intersections. The following standards shall apply to the design of intersections:

A. Streets shall intersect as nearly at right angles as possible; and no street shall intersect any other street at less than seventy-five (75) degrees. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. No more than two (2) streets shall intersect at any one point unless specifically approved by the City Council.

B. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be prohibited, except where topography or other physical conditions make such jogs unavoidable. Where streets intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least eight hundred (800) feet apart.

C. Minimum curb radius at the intersection of two (2) municipal service streets shall be at least twenty-five (25) feet; and minimum curb radius at an intersection involving arterial and collector streets shall be at least thirty (30) feet and as approved by City Engineer. Abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

D. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a four percent (4%) rate at a distance of seventy-five (75) feet, measured from the nearest back of curb line of the intersection street.

E. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation, including streets, in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

F. The cross-slopes on all streets, including intersections, shall be two percent (2%) typically and up to four percent (4%) maximum where approved by the City Engineer.

16. Bridges. Bridges of primary benefit to the applicant, as determined by the City Council, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing expense for the construction of bridges not of primary benefit to the applicant, as determined by the City Council, will be fixed by special agreement between the Council and the owner and subdivider. Said cost shall be charged to the owner and subdivider pro rata as the percentage of land developed and so served.

17. Alleys. The following design standards for alleys shall be required of all subdividers:

A. Alleys shall not be provided in residential districts but may be provided in commercial and industrial districts unless an alternate plan for service area is provided.

B. Alleys within commercial and industrial zones shall have a right-of-way of not less than twenty (20) feet and a roadway width of not less than sixteen (16) feet.

C. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

D. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead end, as determined by the Council.

18. Street Dedications and Reservations. The following provisions shall apply to street dedications and reservations.

A. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Council may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within the subdivision boundaries.

B. Half-streets are prohibited, except where an existing platted half-street abuts the subdivision, a platted half-street to complete the street shall be required according to the provisions stated herein.

C. Where a subdivision borders an existing narrow street or when City zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the owner and subdivider shall be required to improve and dedicate at the owner's and subdivider's expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the owner and subdivider at the owner's and subdivider's expense to the full width as required by these subdivision regulations. Land reserved for any street purposes may not be counted in satisfying yard or area requirements of the zoning regulations whether the land is to be dedicated to the City in fee simple or an easement is granted to the City.

19. Driveways. The following standards shall apply to residential driveways:

A. A single driveway shall be twelve (12) feet maximum at the right-of-way line and eighteen (18) feet in width at the street.

B. A double driveway shall be twenty-four (24) feet in width maximum at the right-of-way line and thirty (30) feet maximum at the street.

20. Sidewalks and Trails. The following requirements shall apply to the provisions of sidewalks and trails:

A. Sidewalks shall be included within the dedicated non-pavement right-of-way of all streets.

B. Sidewalks shall be improved as required pursuant to the requirements stated herein and the following design standards:

(1) Sidewalks shall be a minimum of four (4) feet in width except in the Central Business District or in other areas specifically approved by the City where the width may be greater. Sidewalks shall be located one foot from the property line.

(2) All sidewalks shall slope to the street at a rate of  $\frac{1}{4}$  inch per foot.

(3) From the street edge of the sidewalk surface to top of curb, the slope shall be a minimum of  $\frac{1}{2}$  inch per foot.

(4) Sidewalks shall be constructed of four-inch thick non-reinforced Portland cement concrete.

(5) Sidewalks crossing driveways shall be constructed of six-inch non-reinforced Portland cement concrete.

(6) All sidewalks shall provide a curb ramp for accommodation of the handicapped at all intersections. Curb ramps shall be located in line with the public sidewalk. Curb ramps shall be at least forty-eight (48) inches wide and should be sloped at not greater than one inch of rise per twelve (12) inches linear distance. A slope no greater than one inch of rise per eight (8) inches linear distance may be used where necessary. Ramps shall be sloped from the sidewalk intersection to the bottom of the curb. A truncated dome shall be added to all sidewalk ramps. The dome shall consist of earth tone pre-cast concrete pavers set into the concrete.

C. Trails shall be included in the proposed development when called for in the Comprehensive Plan. Trails shall be hard surfaced (asphalt or concrete) and no less than eight (8) feet in width and no less than four (4) inches in thickness and shall be constructed in accordance with plans and specifications approved by the City Council. When proposing trails in new subdivisions, the plat shall make provisions for the continuation and extension of the proposed trail to connect with future trails and with existing subdivisions. The trails shall not be considered sidewalks. The trails shall be maintained and owned by the City.

**166.09 LOTS AND BLOCKS.** The following standards shall apply to the layout of blocks and lots in all subdivisions:

1. Lots.

A. The size and shape of all lots shall comply with all requirements of the Zoning Ordinance for the zone in which the lot is located.

B. All lots shall abut a public street, or upon an approved private street, with a minimum frontage of at least thirty-five (35) feet measured as a straight line between the two front lot corners.

C. Reversed frontage lots are prohibited. Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots shall front only on the minor street.

D. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgment of the City Council, a variation to this provision will provide a better street and lot layout.

E. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

F. Building lines conforming with zoning standards shall be shown on all lots within the platted area. Where the subdivided area is not under zoning control, the City Council may require building lines in accordance with the needs of each subdivision.

2. Blocks.

A. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions shall be permitted in blocks adjacent to arterial streets, railroads, or waterways.

B. No residential block shall be longer than one thousand (1,000) feet or shorter than three hundred (300) feet measured from street line to street line. The width of blocks should be arranged so as to allow two tiers of lots, with utility easement. Exceptions shall be permitted in blocks adjacent to arterial streets, railroads, or waterways.

C. Pedestrian crosswalks, not less than ten (10) feet wide, may be required by the City Council through the center of blocks more than eight hundred (800) feet in length. Pedestrian crosswalks shall not exceed twelve percent (12%) in grade unless steps of an approved design are to be constructed.

D. In blocks over eight hundred (800) feet in length, the City Council may require a public way or an easement at least ten (10) feet in width, at or near the center of the block, for use by pedestrians.

**166.10 STORM SEWERS AND DRAINAGE.** The following requirements shall apply to the provision of storm sewers and drainage:

1. The City shall not approve any plat of a subdivision which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separated and independent of any sanitary sewer system. A copy of design computations shall be submitted along with the plans. The following requirements shall apply to the provision of storm sewers and drainage:

A. Provide adequately sized storm sewers and sump pump drain lines to receive discharge from foundation drains or sump pumps.

(1) Sump pump drain lines shall be installed at the back of curbs on both sides of the roadway unless RCP storm sewer pipe has been installed which could collect and convey sump pump drainage. Sump pump drain lines will be required unless it can be shown by the developer that they are not needed to the satisfaction of the City Council.

(2) Minimum sump pump collection pipe size receiving discharge from two or more sump pumps is 6-inch diameter pipe.

(3) Provide 4-inch PVC sleeve for drain lines when located below street pavement or at developer's option extend 4-inch drain line from storm sewer or collector pipe to property line.

B. Determine runoff using the Rational Formula or by other method as approved by the City Engineer.

C. Use 10-year storm frequency and the Rainfall Intensity-Duration-Frequency Curve to determine intensity for storm sewer system design except as follows:

(1) Use 100-year storm frequency for culvert design under roadways where roadway embankment blocks drainageway.

(2) Use 100-year storm frequency for storm sewers draining sump area in roadways and private lands unless drainage easements are provided for all areas inundated during 100-year storm.

(3) Provide unobstructed 100-year storm frequency storm water flood paths through platted areas subject to development to convey runoff from upstream areas of the watershed.

(4) A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The developer's engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential water shed development permitted by applicable zoning regulations. The City Engineer shall review the design calculations.

D. City will consider storm water detention/retention; storm water detention design using Soil Conservation Service Technical Release No. 55, *Urban Hydrology for Small Watersheds*, or other method as approved by City Engineer.

E. In areas where existing downstream drainage systems have inadequate capacities, the use of storage basins may be required to prevent flooding.

F. City will consider open channel storm water drainage when required pipe diameter is greater than 48 inches.

G. Storm pipes: size storm pipes to accommodate flow into intake based on 10-year storm frequency runoff without surcharging intake. The minimum storm pipe size is 12 inches.

H. Inlets shall be provided so that surface water is not carried across or around any intersection, or for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

2. Nature of Storm Water Facilities. The applicant may be required by the City Council to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

3. Downstream Drainage. The Developer's Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. City drainage studies together with such other studies as shall be appropriate shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the City Council may withhold approval of the subdivision until provision has been made for the recovery of the cost for the improvement of said potential condition in such sum as the council shall determine.

No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage water course or facility.

4. Future Floodplain Development. The Council may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course.

5. Dedication of Drainage Easements. The following shall apply to the dedication of drainage easements:

A. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way and of such width to convey storm water flow from a 100-year storm event.

B. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within the street rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the street lines and with satisfactory access to the road to convey storm water flow from a 100-year storm event. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.

C. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on both the preliminary and final plat. Written proof of this approval shall be submitted to the City.

D. The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to encompass the 100-year flood boundary limits as determined by the developer's engineer.

E. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands within established drainage ways shall not be computed in determining the area requirement of any lot.

The sewers shall, upon inspection, approval, and acceptance by the City, become the property of the City. In the storm sewer design phase, consideration shall be given to alternatives and principles of storm water management, or the provisions of storm water management plan if such plan has been adopted by the City.

**166.11 WATER FACILITIES.** Water facilities shall be provided as follows:

1. The subdivider of land being platted shall install and construct a water main system to adequately serve all lots or parcels of land within the platted area, with due regard to the present and reasonably foreseeable needs of the entire area, and shall connect the same to the City's existing water mains.

A. Where a public water main is accessible the subdivider shall install adequate water mains, water facilities, and fire hydrants, all of which shall be subject to City specifications and the regulations of the Iowa Department of

Natural Resources. Minimum size of water main shall be 8 inches in diameter.

B. Water main extensions shall be approved by the City. All mains shall be connected to the existing City water system and dead ends shall only include fire hydrants or City-approved blow-off assemblies.

C. To facilitate the above, the location of all fire hydrants and all water supply improvements shall be shown on the preliminary plat. Locate hydrants at street intersections and provide spacing of not more than five hundred (500) feet in single-family residential districts and not more than three hundred (300) feet in all other districts.

D. Fire hydrants shall be Mueller Super Centurion 200 and meet the following specifications:

Specification standard:	AWWA Standard C502
Type of shutoff:	Compression
Type of construction:	Break flange or break bolt
Main valve opening:	5¼-inch minimum
Nozzle arrangement and size:	3 nozzles: two (2½-inch) hose nozzles and one (4½-inch) pumper nozzle. The 4½-inch pumper nozzle is to face the street, or at an intersection, face the higher classification street.
Nozzle thread:	National Standard Hose Threads
Type of inlet connection:	Mechanical Joint
Size of inlet connection:	8-inch
Depth of bury:	Distance from ground line to top of connecting pipe shall be 5½ feet.
Direction of opening:	Open to left (counter-clockwise)
Packing:	Conventional or O-ring
Size and shape of operating nut:	1½-inch, standard pentagon
Working pressure:	150 psi
Color:	Red

E. Valves shall be located at intersections such that only one unvalved pipe exists at the intersection. Place valves at equal spacing not to exceed 800 feet apart in single-family residential areas, and 400 feet apart in high density residential and nonresidential areas.

F. Minimum water service size shall be one-inch diameter copper tubing.

G. Provide and install # 12 copper tracer wire along all nonmetallic water mains.

H. Under some circumstances the City may require, as a condition for approval of the plat, installation of a water main that is larger than necessary to meet the needs of the platted area, but necessary to complete the City water distribution system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger water main and the diameter of water main reasonable to meet the foreseeable needs of the area.

The water mains shall, upon inspection and certification by the Developer's Engineer, approval, and acceptance by the City, become the property of the City.

2. Individual Wells and Central Water Systems. The following requirements shall apply to the provision of individual wells and central water systems.

A. In the discretion of the Council, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. The individual wells and central water system shall be designed and tested and approved by the appropriate County or State agency. Approvals shall be submitted to the City.

B. If the Council requires that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives final approval. Performance or cash bonds may be required to insure compliance.

**166.12 SANITARY SEWER FACILITIES.** Sanitary sewer facilities shall be provided as follows:

1. The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area with due regard being given to present or reasonably foreseeable needs. There shall be constructed, at the subdivider's expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, sewer access holes, and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area to a connection with the City's sanitary sewers. The sanitary sewer system shall be constructed in accordance with the plans and specifications and sewer grades established by the developer's engineer and approved by the City. All plans shall be designed in accordance with the rules, regulations, and standards of the City and the Iowa Department of Natural Resources. Plans shall be approved by the above agencies.

A. Where a public sanitary sewage system is reasonably accessible the applicant shall connect with same and provide sewers accessible to each lot in the subdivision.

(1) Size lateral sewers for residential areas to accommodate a peak hourly flow of 500 gallons per capita per day; volume of flow from areas other than residential subject to approval by City Engineer. Size trunk sewers according to the design standards of the Iowa Department of Natural Resources.

(2) Minimum service pipe size for single-family dwellings: four inches at minimum slope of 1/4-inch per foot; minimum service pipe size for all other types of buildings: six inches at minimum slope of 1/8-inch per foot.

(3) Four-inch and six-inch service pipe shall be SDR 23.5 PVC pipe or vitrified clay pipe. Eight-inch to fifteen-inch sewer mains shall be PVC truss pipe or extra-strength vitrified clay pipe or SDR 35 PVC pipe. Fifteen-inch and larger sewer mains shall be extra strength vitrified clay pipe or lined reinforced concrete pipe.

- B. Manholes shall be installed as follows:
- (1) At the end of each line;
  - (2) At all changes in grade, size or alignment;
  - (3) At all intersections of the line;
  - (4) At distances not greater than 400 feet.
- C. Where public sanitary sewage systems are not reasonably accessible but will become available within a reasonable time, not to exceed five (5) years, the applicant may choose one of the following alternatives, subject to the consent of the City Council:
- (1) Install a central sewage system, operated and maintained by the benefited property owners. Where plans for future public sanitary sewage systems exist, the applicant shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains.
  - (2) Install individual disposal systems.
- D. Under some circumstances the City may require, as a condition for approval of the plat, installation of a sanitary sewer that is larger than necessary to meet the needs of the platted area, but necessary to complete the City sanitary sewer system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area.

The above mentioned facilities for the collection and disposal of sanitary sewage from the platted area shall, upon final approval and acceptance by the City, become the property of the City.

2. Pumping Stations and Force Mains.
- A. Comply with design standards of the Iowa Department of Natural Resources for pumping stations and force mains.
  - B. Provide standby power system.
  - C. Telemeter alarm conditions to location directed by City.
  - D. Provide security fence around pumping station site if permanently installed standby power is provided; minimum overall height: 7'0"; use 6'0" mesh. Fence is not required if standby power is portable.
  - E. House major pump controls in heated above ground structure; provide disconnect switches for pumps and all other electrical equipment; blend pumping station superstructure with surrounding development including landscaping.
  - F. All wet well hatches, generator enclosures, electrical enclosures, and control enclosures shall be keyed and locked; key locks as directed by the City.
3. Individual Disposal System Requirements. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of applicable zoning regulations and these regulations.

Percolation tests and test holes shall be made as directed and the results submitted to the County Board of Health. There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures.

**166.13 UTILITIES.** The following shall apply to the provision of utilities:

1. The Council may require that all utility facilities, including but not limited to gas, electric power, telephone, and cable television cables, be located underground throughout the subdivision. All anticipated utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Council, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.
2. Easements shall be provided as follows: Where alleys are not provided, or where otherwise required by the present or future placement of public utilities, easements of not less than ten (10) feet in width shall be granted by the owner for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines, or across lots when necessary for the placement and maintenance of utilities. The location of such easements shall be subject to the review of the City Engineer and individual utility companies. No buildings or structures, except as necessary for utilities, shall be permitted on such easements.

**166.14 EXISTING NATURAL FEATURES.** Existing features on the respective tract of land that would add value to the development or the City as a whole, such as trees, watercourses, knolls, valleys and similar irreplaceable assets, shall be preserved in the design of the subdivision's open space. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be protected against change of grade.

**166.15 CHARACTER OF THE LAND.** Land which the City finds unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, topography, utility easements, or other features which will reasonably be harmful to the health, safety and welfare of the present or future inhabitants of the City, shall not be subdivided or developed unless adequate methods are formulated by the subdivider and approved by the City Council, upon recommendation of the Commission, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

**166.16 SURVEY MONUMENTS.** Monuments shall be in conformance with the following requirements:

1. Prior to the offering of the plat or any subdivision for record, the surveyor shall confirm the prior establishment of permanent control monuments at each controlling corner on the boundaries of the parcel or tract of land being subdivided. If no permanent control monuments exist, the surveyor shall place the monuments. Control monuments shall be constructed of reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or

electronic equipment. The surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa registration number of the surveyor to the top of each monument which the surveyor places.

2. At least two (2) survey control monuments are required to be placed before the recording of a subdivision, provided the surveyor or engineer includes in his or her statement a declaration that additional monuments shall be placed before a date specified in the statement or within one year from the date the subdivision is recorded, whichever is earlier.

3. Control monuments shall be placed at the following locations:

A. At every corner and angle point of every lot, block, or parcel of land created.

B. At every point of intersection of the outer boundary of the subdivision with an existing or created right-of-way line of any street railroad, or other way.

C. At every point of curve, tangency, reversed curve, or compounded curve on every right-of-way line established.

D. When the placement of a monument required by this chapter at the prescribed location is impractical, a reference monument shall be established near the prescribed location. If a point requiring monumentation has been previously monumented, the existence of the monument shall be confirmed by the surveyor.

**166.17 RESUBDIVISION OF LAND.** Whenever a parcel of land is subdivided and the plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the Commission and Council may require that such parcel of land allow for future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be a requirement of the plat.

**166.18 NONRESIDENTIAL SUBDIVISIONS.** The following provisions shall apply to nonresidential subdivisions:

1. If a proposed subdivision includes land that is used for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the City Council may require. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the City Council, and shall conform to the proposed land uses and standards established in City plans and regulations.

2. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the City that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

A. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

B. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

C. Special requirements may be imposed by the City with respect to the installation of public utilities including water, sewer, and storm water drainage and the construction of streets, curbs, gutters, and sidewalks.

D. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

E. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of existing or potential residential areas.

F. In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

**166.19 SCHOOL, PARK AND OPEN SPACE RESERVATIONS.** When a tract being subdivided includes lands proposed to be parks, open space or school sites in the Comprehensive Plan or other official plan of the City or official plans of other public bodies, the subdivider shall indicate such areas on the plat.

1. Proposed park sites shall be reserved for two (2) years, giving the City or other authorized public agency the option to purchase the land at the appraised raw land value established by a certified land appraiser prior to the subdivision. The purchase price shall also include one-half (½) of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and date of purchase by the public agency. Should the park site not be purchased within two (2) years, the subdivider may then amend the final plat.

2. Proposed school sites shall be reserved for two (2) years giving the appropriate school district the option to purchase land at the appraised raw land value established by a certified land appraiser prior to the subdivision. The purchase price shall also include one-half (½) of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and date of purchase by the school district. Should the school sites not be purchased within two (2) years, the subdivider may then amend the final plat.

**166.20 IMPROVEMENTS WITHIN UNINCORPORATED JURISDICTION.** In order to facilitate the proper and orderly growth in accordance with the Comprehensive Plan of the City, the following provisions shall apply: The two (2) miles referred to herein shall include all property lying within two miles of the corporate limits of the City of Springville. For subdivisions located within two miles of the corporate limits, the procedures for review and approval and standards stated herein shall be the same as set for subdivisions within the City under this chapter, except where otherwise governed by the City County Strategic Growth Plan and Agreement with Linn County.

**166.21 IMPROVEMENTS REQUIRED.** Before the final plat of any subdivided area shall be approved and recorded, a certificate bearing the signature of the developer's engineer

stating that all improvements and installations, as shown on the City-approved construction documents for the subdivision and required by this chapter have been made or:

1. Installed in accordance with the City specifications, with the exception of sidewalks, and that the owner has executed an agreement as a covenant running with the land that the sidewalks shall be installed within one year of the date of final approval of the subdivision and in the event said installation has not been done, the owner waives all statutory requirements of notice of time and place and hearing and waives statutory protections and limitations as to cost and assessment and agrees that the City may install such sidewalks and assess the total cost thereof against such real estate, or
2. A certificate bearing the approval of the developer's engineer stating that the improvements and installations in the subdivision have not been installed in accordance with the requirements of this chapter and that construction documents for the construction of such improvements have been approved and that the owner has executed an agreement as a covenant running with the land that no building permit shall be issued for any lot of such subdivision until such improvements, with the exception of sidewalks, shall be fully constructed or the owner shall have deposited in escrow with the City Clerk an amount equal to the cost of the improvements plus ten percent (10%) thereof for the subdivision. The developer's engineer shall prepare and the City Engineer shall review and approve the estimate of construction cost and escrow amount.
3. A surety bond with the City which will insure to the City that the improvements will be completed by the subdivider or owner within two (2) years after official acceptance of the plat. The form and type of bond shall be approved by the City Attorney and the amount of the bond shall not be less than the amount of the estimated cost of the improvements plus 10%, and the amount of the estimate must be approved by the City Council. If the improvements are not completed within the specified time, the City Council may use the bond or any necessary portion thereof to complete the same, OR, the final plat shall state that the developer, its grantees, assignees and successors in interest agree that public services including, but not limited to, street maintenance, snow and ice removal, and garbage collection will not be extended to such subdivision until the improvements are completed and accepted by the City.

The above alternatives shall be exclusive and no subdivision shall be approved unless one of the foregoing alternatives has been approved and no subdivision shall be approved in which the developer proposes to request that the City construct such improvement, pursuant to a special assessment program, except for the petition of the owner for the construction of improvements as to streets abutting the subdivision which may be done by assessment method. However, this provision shall not apply to any not-for-profit corporation or association which subdivides a tract of land for the purpose of encouraging economic development of the tract. In such instances, upon petition of the developer and approval of the developer's plans for development of said tract by the City Council, any improvements required by this chapter may be constructed by the City pursuant to a special assessment program, if the City Council so approves.

**166.22 INSPECTION.** The City Council shall cause the installation of all public improvements to be inspected to insure a compliance with the requirements of this chapter. The cost of said inspection shall be borne by the subdivider and shall be the actual cost of said inspection to the City.

**166.23 MAINTENANCE BOND.** Maintenance bonds for the following terms shall be required by a surety and in a form acceptable to the City Attorney and City Council:

1. Paving – 4 years
2. All other public improvements installed – 2 years.

**166.24 WAIVER OR DEFERRAL OF REQUIRED IMPROVEMENTS.** Required improvements may be waived or deferred as follows:

1. Waiver of Required Improvements. The City Council may waive at the time of final plat approval, subject to appropriate conditions, the provision of any or all such improvements as in its judgment are not requisite in the interests of the public health, safety and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.
2. Deferral of Required Improvements. Whenever it is deemed necessary by the Council to defer construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay the cost of the future improvements to the City prior to the approval of the final plat, or the applicant may post a bond insuring completion of said improvements upon demand of the City.

**166.25 CERTIFICATES OF OCCUPANCY.** No certificate of occupancy shall be issued until the extent of street improvement is adequate for vehicular access by the prospective occupant and by emergency vehicles and equipment.

**166.26 APPLICATION AND FEES.** Each preliminary and final plat submitted for approval to the City shall be made on a form available from the City Clerk and accompanied by a fee, which shall be set by the City Council by resolution. The fee shall be credited to the General Fund of the City of Springville.

**166.27 VARIANCES.** The following shall apply to the granting of variations or exceptions:

1. Where the Board of Adjustment finds that extraordinary hardships or particular difficulties regarding the physical development of land may result from strict compliance with these regulations, it may make variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that findings for such variation or exceptions to these regulations are based upon the evidence that:
  - A. The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
  - B. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property.
  - C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

D. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.

2. In granting variations and exceptions the Board of Adjustment may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

3. A petition for any such variance shall be submitted in writing by the developer at the time when the preliminary plat is filed. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

**166.28 ENFORCEMENT AND PENALTY.** No plat of any subdivision shall be recorded in the County Recorder's office or have any validity until it complies with the provisions of this chapter and has been approved in the manner prescribed herein.

1. The City Council shall not permit any public improvements over which it has any control to be made or any public money expended for improvements in any area that has been subdivided or upon any street that has been dedicated after the adoption of the ordinance codified in this chapter, unless such subdivision or street has been approved in accordance with the provisions of this chapter.

2. The building official shall not issue any building or repair permits for any structure on any tract of land required to be platted under the provision hereof until this chapter has been complied with.

3. Any person who shall dispose of or offer for sale any lot or lots within the area of jurisdiction of this chapter, until the final plat thereof has been approved by the City Council, and recorded as required by law, shall forfeit and pay one hundred dollars (\$100.00) for each lot or part of lot sold, disposed of, or offered for sale. Nothing contained herein shall in any way limit the City's right to any other remedies available to the City for the enforcement of this chapter.

**166.29 INTERPRETATION AND SEPARABILITY.**

1. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

2. If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

**166.30 SAVING PROVISION.** These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person by lawful action of the City except as shall be expressly provided for in these regulations.

**166.31 CHANGES AND AMENDMENTS.** This chapter or any provision of this chapter may be changed by the City Council, provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published in accordance with law. Such proposed amendments shall first be submitted to the Commission for study and recommendation before the hearing is held. The Commission shall forward its recommendation to the Council within thirty (30) days after receipt. If the Commission fails to make such a recommendation within 30 days, the Council may proceed to hold the hearing on the proposed amendment.

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# APPENDIX TO CODE OF ORDINANCES

## USE AND MAINTENANCE OF THE CODE OF ORDINANCES

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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 \_\_\_\_\_, 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 \_\_\_\_\_, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of \_\_\_\_\_, 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 \_\_\_\_\_, 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 \_\_\_\_\_, Iowa:

**SECTION 1. SUBSECTION REPEALED.** The Code of Ordinances of the City of \_\_\_\_\_, 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 \_\_\_\_\_, IOWA, \_\_\_\_, BY AMENDING  
PROVISIONS PERTAINING TO SEWER SERVICE CHARGES**

**BE IT ENACTED** by the City Council of the City of \_\_\_\_\_, Iowa:

**SECTION 1. SECTION MODIFIED.** Section 99.02 of the Code of Ordinances of the City of \_\_\_\_\_, 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 \_\_\_\_\_, IOWA

Be It Enacted by the City Council of the City of \_\_\_\_\_, Iowa:

**SECTION 1.** The alley lying in Block Two (2), Railroad Addition to \_\_\_\_\_, 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

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### 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 \_\_\_\_\_, 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 \_\_\_\_\_, 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 \_\_\_\_\_, 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 \_\_\_\_\_, Iowa

By: \_\_\_\_\_  
(enforcement officer)

## RESOLUTION AND ORDER REGARDING DANGEROUS BUILDING

**BE IT RESOLVED**, by the City Council of the City of \_\_\_\_\_, 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 \_\_\_\_\_, Iowa

By: \_\_\_\_\_  
(designate officer initiating notice)

## REQUIRED SEWER CONNECTION

# NOTICE OF HEARING

## REQUIRED SEWER CONNECTION

TO: \_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Street Address)  
\_\_\_\_\_, Iowa

You are hereby notified that the City Council of \_\_\_\_\_, Iowa, will meet on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ m. in the Council Chambers of the City Hall for the purpose of considering whether or not connection to the public sanitary sewer system shall be required at the following described property:

## Description of Property

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You are further notified that at such time and place you may appear and show cause why said connection should not be required.

You are further notified to govern yourselves accordingly.

Date of Notice: \_\_\_\_\_

City of \_\_\_\_\_, Iowa

By: \_\_\_\_\_, \_\_\_\_\_  
(Name) (Title)

**RESOLUTION AND ORDER**  
**REQUIRED SEWER CONNECTION**

**BE IT RESOLVED**, by the City Council of the City of \_\_\_\_\_, 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

## SEWER USER CHARGE SYSTEM

### CALCULATING USER CHARGE RATES AND SURCHARGES

This exhibit presents the methodology to be used in calculating user charge rates and surcharges and illustrates the calculations followed in arriving at the first year's user charges and surcharges. The unit costs established in this exhibit are based on estimates of expenses and loadings. The actual expenses and loadings that occur may differ from these estimates and certainly they will change as time passes. Therefore, the unit costs must be re-established whenever necessary to reflect actual expenses and loadings. Once the system is in use, the expenses and loadings can be determined from operating records and the unit costs can be adjusted based on these figures.

1. Expenses: The total annual expenses associated with the treatment works are estimated as follows:

<u>Item</u>	<u>Annual Expense</u>
Billing and Collection .....	\$ 6,165.00
Administrative.....	\$ 4,140.00
Power .....	\$ 6,000.00
Labor (including fringe benefits.....	\$ 8,400.00
Replacement Costs .....	\$ <u>8,210.00</u>
Subtotal OMR	\$ 32,915.00
 Debt Service	 \$ <u>30,000.00</u>
Total	\$ 62,915.00

2. Allocation of Expenses.

- a. Annual \$ to treat annual flow = 60% annual cost allocated to flow x (total annual O&M budget minus billing & collection)

$$[ 60\% \times (\$32,915 - \$6,165) = \$16,050 ]$$

- b. 20% annual cost allocated to BOD x (total annual O&M budget minus billing & collection)

$$[ 20\% \times (\$32,915 - \$6,165) = \$5,350 ]$$

- c. 20% annual cost allocated to SS x (total annual O&M budget minus billing & collection)

$$[ 20\% \times (\$32,915 - \$6,165) = \$5,350 ]$$

## 3. Loadings.

Initial hydraulic loading from water pumping records, 33.1 mg/yr.  
 Initial BOD loading, 291 (#/day) x 365 (days/yr.) = 106,215 (#/yr.)  
 Initial SS loading, 278 (#/day) x 365 (days/yr.) = 101,470 (#/yr.)  
 Initial hydraulic loading from infiltration/inflow annual infiltration/  
 inflow = 32.9 MG/yr.  
 Total hydraulic loading  
 $[33.1 + 32.9 \text{ MG} = 66.0 \text{ MG} / \text{yr.}]$

## 4. Unit Cost.

Initial unit cost for flow in \$/1000 gallons

$$\left[ \frac{\text{annual \$ to treat annual flow}}{\text{estimated annual hydraulic load}} = \frac{\$16,050}{66 \text{ MG}} = \frac{\$0.24}{1000 \text{ gal.}} \right]$$

$$\left[ \frac{\text{initial unit cost for BOD in \$ / pound}}{\text{estimated annual BOD loading}} = \frac{\$5,350}{106,215 \# / \text{yr.}} = \$0.05 / \# \right]$$

$$\left[ \frac{\text{initial unit cost for SS in \$ / pound}}{\text{estimated annual SS loading}} = \frac{\$5,350}{101,470 \# / \text{yr.}} = \$0.05 / \# \right]$$

## 5. Minimum Charge.

annual billing and collection cost.....\$ 6,165.00  
 annual cost to treat infiltration/inflow =  
 unit cost for flow x annual I/I =  
 $\$0.24/1000 \text{ gal.} \times 32.9 \text{ MG/yr.} \dots\dots\dots \$ \underline{7,896.00}$   
 Total Annual Minimum Cost .....\$ 14,061.00  
 minimum charge/user/billing period (month):

$$\left[ \frac{\$14,061 / \text{yr}}{12 / \text{yr}} \times \frac{1}{400 \text{ customers}} = \$2.93 / \text{user} / \text{month} + \text{debt service} \right]$$

(This includes *no* allowance for minimum water usage.)

## 6. Customer User Unit Charge

OMR expense each year.....\$ 32,915.00  
 less minimum charge without water use  
 400 users x \$2.93/user/billing period .....\$ 14,061.00  
 Income Required From Metered Water Use .....\$ 18,854.00

Total metered water use is approximately 33.1 MG  
 (from the cumulative water meter readings). This  
 \$18,854.00 includes the cost of treating normal  
 domestic BOD and SS)

$$[\text{Average user unit charge} = \frac{\$18,854}{33,100 \text{ gallons}} = \$0.57 / 1000 \text{ gallons}]$$

## 7. Debt Service Charge.

$$\frac{\text{annual debt service}}{\text{total annual individual water meter readings}} = \frac{\$30,000 / \text{yr.}}{365 \text{ days} / \text{yr.}} \times \frac{1}{90,685 \text{ GPD}} = \$0.91 / 1000 \text{ gal}$$

## 8. Minimum Charge with 2000 Gallons Use in One Month.

minimum charge.....	\$	2.93
user charge for OMR		
2000 gal. x \$0.57/1000 gal.....	\$	1.14
user charge for Debt Service		
2000 gal. x \$0.91/1000 gal.....	\$	<u>1.82</u>
Total .....	\$	5.89/month

## 9. Example Calculation of a User Charge for a Customer:

assume 6000 gallons/month

first 2000 gallons.....	\$	5.89
next 4000 gallons @ \$1.48/1000 .....	\$	<u>5.92</u>
Total .....	\$	11.81/month

## 10. Extra Strength Users. For users who contribute wastewater that has greater strength than normal domestic wastewater, the user charge will be calculated as follows:

charge to residential user + surcharge for BOD (if appropriate) + surcharge for SS (if appropriate) + surcharge for other pollutant (if appropriate)

Total monthly charge to extra strength user:

minimum charge

+ V (residential unit charge)

+ V (unit BOD charge) ( $BOD_{ES} - BOD_{ND}$ ) (.000834)+ V (unit SS charge) ( $SS_{ES} - SS_{ND}$ ) (.00834)

+ and so on, for any other appropriate pollutants

- Total monthly charge to extra strength user is in dollars.
- Minimum charge is in dollars as calculated in paragraph 8.
- V is the volume of wastewater in 1000 gallons discharged by the extra strength user during the billing period.
- Residential unit charge is in \$/1000 gal. as calculated in paragraph 6.
- Unit BOD charge is in \$/lb. BOD from paragraph 4.
- Unit SS charge is in \$/lb. SS from paragraph 4.
- $BOD_{ES}$  is the average BOD concentration in milligrams per liter (mg/l) contributed by the extra strength user during the billing period.
- $SS_{ES}$  is the average SS concentration in mg/l contributed by the extra strength user during the billing period.
- $BOD_{ND}$  is the normal domestic BOD strength in mg/l as defined in Chapter 99 of this Code of Ordinances.
- $SS_{ND}$  is the normal domestic SS strength in mg/l as defined in Chapter 99 of this Code of Ordinances.
- .00834 is a unit conversion factor.

11. Example User Charge Calculation for an Extra Strength User:  
assume 20,000 gallons/month; BOD = 400; SS = 450
- minimum bill ..... \$ 5.89
- volume charges =  $(20,000 - 2,000) \times \$1.48 / 1000$  ..... \$ 26.64
- BOD charges =  $\left\{ \frac{20,000}{1,000} \right\} (400 - 250) (0.00834) \left( \frac{\$0.05}{\#} \right)$  ..... \$ 1.25
- SS charges =  $\left( \frac{20,000}{1,000} \right) (450 - 350) (0.00834) \left( \frac{\$0.05}{\#} \right)$  ..... \$ .42
- Total ..... \$ 34.20/month