

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

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# CODE OF ORDINANCES OF THE CITY OF TAMA, IOWA

*Adopted February 18, 2019, by Ordinance No. 586*

# SUPPLEMENT RECORD

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# CODE OF ORDINANCES

## CITY OF TAMA, IOWA

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# CHAPTER 1

## CODE OF ORDINANCES

1.01 Title	1.08 Amendments
1.02 Definitions	1.09 Catchlines and Notes
1.03 City Powers	1.10 Altering Code
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1.05 Personal Injuries	1.12 Warrants
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**1.01 TITLE.** This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Tama, 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 Tama, Iowa.
3. “Clerk” means the city clerk of Tama, 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 Tama, Iowa.
6. “Council” means the city council of Tama, Iowa.
7. “County” means Tama County, Iowa.
8. “May” confers a power.
9. “Measure” means an ordinance, amendment, resolution or motion.
10. “Must” states a requirement.
11. “Oath” includes in affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words “affirm” and “affirmed” shall be equivalent to the words “swear” and “sworn.”
12. “Occupant” 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.

13. "Ordinances" means the ordinances of the City of Tama, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
14. "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.
15. "Preceding", "Following" means next before and next after, respectively.
16. "Property" includes real property, and tangible and intangible personal property unless clearly indicated otherwise.
17. "Property Owner" means a person owning private property in the City as shown by the County Auditor's plats of the City.
18. "Public Place" includes in its meaning, but is not restricted to, any city-owned open place, such as parks and squares.
19. "Public Property" means any and all property owned by the City or held in the name of the City by any of the departments, commissions, or agencies within the City government.
20. "Public way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
21. "Shall" imposes a duty.
22. "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.
23. "State" means the State of Iowa.
24. "Statutes" or "laws" means the latest edition of the *Code of Iowa*, as amended.
25. "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.
26. "Writing or Written" includes printing, typing, lithographing, or other mode of representing words and letters.

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

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

*(Code of Iowa, Sec. 364.1)*

**1.04 INDEMNITY.** The applicant for any permit or license under this Code of Ordinances, by making such application, assumes and agrees to pay for any injury to or death of any person or persons whomsoever, and any loss of or damage to property whatsoever, including all costs and expenses incident thereto, however arising from or related to, directly,

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

**1.05 PERSONAL INJURIES.** When action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

*(Code of Iowa, Sec. 364.14)*

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

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

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

*(Code of Iowa, Sec. 380.2)*

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

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

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

of Ordinances as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

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

**1.13 GENERAL STANDARDS FOR ACTION.** Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board, or officer or employee of the City and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny, or revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.

**1.14 STANDARD PENALTY.** Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section, or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least \$65.00 but not to exceed \$625.00. <sup>†</sup>

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

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<sup>†</sup> **EDITOR'S NOTE:** For civil penalty for violations of this Code of Ordinances, see Chapter 4.

## CHAPTER 2

# CHARTER

### 2.01 Title

### 2.02 Form of Government

### 2.03 Powers and Duties of City Officers

### 2.04 Number and Term of Council

### 2.05 Term of Mayor

### 2.06 Copies on File

**2.01 TITLE.** This chapter may be cited as the charter of the City of Tama, 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. 322 adopting a charter for the City was passed and approved by the Council on July 16, 1973, and was published on July 19, 1973, in the *Tama News-Herald*.



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## CHAPTER 3

### BOUNDARIES

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

*Beginning at the NW corner of Section 27, thence south along the west section lines to the SW corner of Section 34, thence east along the south section lines to the SE corner of the SW $\frac{1}{4}$  of Section 35, thence north to the north right-of-way line of the former C.M. & St. P.R.R., thence southeasterly along said north right-of-way line to the east section line of Section 35, thence south along the east section line to a point of intersection with the north line extended northwesterly of that portion of County Road L Ave, running from northwest to southeast in Section 36, thence southeasterly along the north line of County Road L Ave. to the east line of the west  $\frac{1}{2}$  of Section 36, thence north along the east line of the west  $\frac{1}{2}$  of Section 36 to the south line of U.S. Highway 30, thence west along the south line of U.S. Highway 30 to the west section line of Section 35, thence north along the west section line of Section 35 to the southeast corner of Section 26, thence west 692.87 feet along the south section line of Section 26, thence north 577.50 feet, thence east to a point 33 feet east of the west line of the east  $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 26 being the east line of Mansfield Drive, thence north along the east line of Mansfield Drive to the south line of Oak Hill Cemetery, thence east along the south line of the Oak Hill Cemetery to a point 28 $\frac{1}{2}$  feet east of the west line of the east  $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 26, thence north to a point on the north line of the Oak Hill Cemetery 28 $\frac{1}{2}$  feet east of the west line of the east  $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 26, thence west along the north line of the Oak Hill Cemetery to the northwest corner of the Oak Hill Cemetery, thence south along the west line of the Oak Hill Cemetery to a point on the south line of the road lying adjacent to the south line of the Oak Hill Cemetery, thence east along the south line of said roadway to a point 33 feet west of the west line of the east  $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 26, being the west line of Mansfield Drive, thence south along the west line of Mansfield Drive to a point 267 feet north and 33 feet west of the southeast corner of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 26, thence west 175 feet, thence south 60 feet, thence west 148.1 feet, thence north 60 feet, thence west to west line of SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 26, thence north along the east line of the W $\frac{1}{2}$  of Section 26 to the northeast corner of the NW $\frac{1}{4}$  of Section 26, thence west along the section lines to the NW corner of Section 27 and the place of beginning; all in Township 83 north, Range 15, West of the 5<sup>th</sup> P.M.*

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## CHAPTER 4

# MUNICIPAL INFRACTIONS

### 4.01 Municipal Infraction

### 4.04 Civil Citations

### 4.02 Environmental Violation

### 4.05 Alternative Relief

### 4.03 Penalties

### 4.06 Alternative Penalties

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## CHAPTER 5

# OPERATING PROCEDURES

5.01 Oaths

5.02 Bonds

5.03 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

5.12 Holidays

**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 but not later than noon of the first day that is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected.  
*(Code of Iowa, Sec. 63.1)*
2. Prescribed Oath. The prescribed oath is: “I, (name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Tama as now or hereafter required by law.”  
*(Code of Iowa, Sec. 63.10)*
3. Officers Empowered to Administer Oaths. The following are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective offices:
  - A. Mayor
  - B. City Clerk
  - C. Members of all boards, commissions, or bodies created by law.  
*(Code of Iowa, Sec. 63A.2)*

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

1. Required. The Council shall provide by resolution for a surety bond or blanket position bond running to the City and covering the Mayor, Clerk, Treasurer, and such other officers and employees as may be necessary and advisable.  
*(Code of Iowa, Sec. 64.13)*
2. Bonds Approved. Bonds shall be approved by the Council.  
*(Code of Iowa, Sec. 64.19)*
3. Bonds Filed. All bonds, after approval and proper record, shall be filed with the Clerk.  
*(Code of Iowa, Sec. 64.23[6])*



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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 21.4)*

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

*(Code of Iowa, Sec. 21.3)*

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

*(Code of Iowa, Sec. 21.3)*

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

*(Code of Iowa, Sec. 21.5)*

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

*(Code of Iowa, Sec. 21.7)*

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

*(Code of Iowa, Sec. 21.8)*

1. 7. Advance Notice of Meetings. The City shall give advance public notice of the time and place of each meeting by notifying the communications media or in some other way which give reasonable notice to the public. When it is necessary to hold an emergency meeting without notice, the nature of the emergency shall be stated in the minutes.

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

*(Code of Iowa, Sec. 362.5)*

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

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

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

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

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

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

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

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

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

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

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

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

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services that benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of \$1,500.00 in a fiscal year.  
(Code of Iowa, Sec. 362.5[3j])
11. Franchise Agreements. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.  
(Code of Iowa, Sec. 362.5[3l])
12. Third Party Contracts. A contract that is a bond, note or other obligation of the City and the contract is not acquired directly from the City but is acquired in a transaction with a third party who may or may not be the original underwriter, purchaser, or obligee of the contract.  
(Code of Iowa, Sec. 362.5[3m])

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

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

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

(Code of Iowa, Sec. 372.15)

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

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

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

**5.12 HOLIDAYS.** Holidays are listed in the employee handbook.

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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 10 eligible electors, residents of the City.  
(*Code of Iowa, Sec. 45.1*)

**6.03 ADDING NAME BY PETITION.** The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.  
(*Code of Iowa, Sec. 45.2*)

**6.04 PREPARATION OF PETITION AND AFFIDAVIT.** Nomination papers shall include a petition and an affidavit of candidacy. The petition and affidavit shall be substantially in the form prescribed by the State Commissioner of Elections, shall include information required by the *Code of Iowa*, and shall be signed in accordance with the *Code of Iowa*.  
(*Code of Iowa, Sec. 45.3, 45.5 & 45.6*)

**6.05 FILING; PRESUMPTION; WITHDRAWALS; OBJECTIONS.** The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the *Code of Iowa*.  
(*Code of Iowa, Sec. 45.4*)

**6.06 PERSONS ELECTED.** The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.  
(*Code of Iowa, Sec. 376.8[3]*)

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## CHAPTER 7

# FISCAL MANAGEMENT

### 7.01 Purpose

### 7.02 Finance Officer

### 7.03 Cash Control

### 7.04 Fund Control

### 7.05 Operating Budget Preparation

### 7.06 Budget Amendments

### 7.07 Accounting

### 7.08 Financial Reports

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

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

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

1. Deposit of Funds. All moneys or fees collected for any purpose by any City officer shall be deposited through the office of the finance officer. If any said fees are due to an officer, they shall be paid to the officer by check drawn by the finance officer and approved by the Council only upon such officer's making adequate reports relating thereto as required by law, ordinance, or Council directive.
2. Deposits and Investments. All moneys belonging to the City shall be promptly deposited in depositories selected by the Council in amounts not exceeding the authorized depository limitation established by the Council or invested in accordance with the City's written investment policy and State law, including joint investments as authorized by Section 384.21 of the *Code of Iowa*.  
*(Code of Iowa, Sec. 384.21, 12B.10, 12C.1)*
3. Petty Cash Fund. The finance officer shall be custodian of a petty cash fund for the payment of small claims for minor purchases, collect-on-delivery transportation charges, and small fees customarily paid at the time of rendering a service, for which payments the finance officer shall obtain some form of receipt or bill acknowledged as paid by the vendor or agent. At such time as the petty cash fund is approaching depletion, the finance officer shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the Council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

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

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

2. Expenditures. No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance, or resolution, was properly budgeted, and supported by a claim approved by the Council.
3. Emergency Fund. No transfer may be made from any fund to the Emergency Fund.  
*(IAC, 545-2.5[384,388], Sec. 2.5[2])*
4. Debt Service Fund. Except where specifically prohibited by State law, moneys may be transferred from any other City fund to the Debt Service Fund to meet payments of principal and interest. Such transfers must be authorized by the original budget or a budget amendment.  
*(IAC, 545-2.5[384,388] Sec. 2.5[3])*
5. Capital Improvements Reserve Fund. Except where specifically prohibited by State law, moneys may be transferred from any City fund to the Capital Improvements Reserve Fund. Such transfers must be authorized by the original budget or a budget amendment.  
*(IAC, 545-2.5[384,388] Sec. 2.5[4])*
6. Utility and Enterprise Funds. A surplus in a Utility or Enterprise Fund may be transferred to any other City fund, except the Emergency Fund, 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 shall be defined as the cash balance in the operating account or the unrestricted net position calculated in accordance with GAAP, after adding back the net pension and other postemployment benefits liabilities and the related deferred inflows of resources and deducting the related deferred outflows of resources, in excess of:
  - A. The amount of the expenses of disbursements for operating and maintaining the utility or enterprise for the preceding three months; and
  - B. The amount necessary to make all required transfers to restricted accounts for the succeeding three months.  
*(IAC, 545-2.5[384,388], Sec. 2.5[5])*
7. Balancing of Funds. Fund accounts shall be reconciled at the close of each month and a report thereof submitted to the Council.

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

1. Proposal Prepared. The finance officer is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.
2. Boards and Commissions. All boards, commissions, and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the finance officer for inclusion in the proposed City budget at such time and in such form as required by the Council.
3. Submission to Council. The finance officer shall submit the completed budget proposal to the Council no later than February 15 of each year.

4. Council Review. The Council shall review the proposed budget and may make any adjustments it deems appropriate in the budget before accepting such proposal for publication, hearing, and final adoption.
5. Notice of Hearing. Upon adopting a proposed budget the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than 10 or more than 20 days before the date established for the hearing. Proof of such publication must be filed with the County Auditor.  
*(Code of Iowa, Sec. 384.16[3])*
6. Copies of Budget on File. Not less than 20 days before the date that the budget must be certified to the County Auditor and not less than 10 days before the public hearing, the Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the Mayor and Clerk and at the City library.  
*(Code of Iowa, Sec. 384.16[2])*
7. Adoption and Certification. After the hearing, the Council shall adopt, by resolution, a budget for at least the next fiscal year and the Clerk shall certify the necessary tax levy for the next fiscal year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the County Auditor.  
*(Code of Iowa, Sec. 384.16[5])*

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

*(Code of Iowa, Sec. 384.18)*

1. Program Increase. Any increase in the amount appropriated to a program must be prepared, adopted, and subject to protest in the same manner as the original budget.  
*(IAC, 545-2.2[384, 388])*
2. Program Transfer. Any transfer of appropriation from one program to another must be prepared, adopted, and subject to protest in the same manner as the original budget.  
*(IAC, 545-2.3[384, 388])*
3. Activity Transfer. Any transfer of appropriation from one activity to another activity within a program must be approved by resolution of the Council.  
*(IAC, 545-2.4[384, 388])*
4. Administrative Transfers. The finance officer shall have the authority to adjust, by transfer or otherwise, the appropriations allocated within a specific activity without prior Council approval.  
*(IAC, 545-2.4[384, 388])*

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

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



2. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.
3. Checks. Checks shall be prenumbered and signed by the Clerk and Mayor following Council approval, except as provided by subsection 5 hereof.
4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program and activity as will provide adequate information and control for budgeting purposes as planned and approved by the Council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.
5. Immediate Payment Authorized. The Council may by resolution authorize the Clerk to issue checks for immediate payment of amounts due, which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the Council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include (but is not limited to) payment of utility bills, contractual obligations, payroll, and bond principal and interest.
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)*

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## CHAPTER 8

### URBAN RENEWAL

#### 10.01 Purpose

#### 10.02 Iowa Premium Beef Urban Renewal Area

**10.01 PURPOSE.** The purpose of this chapter is to provide for the division of taxes levied on the taxable property in the Urban Renewal Area of the City each year by and for the benefit of the State, City, County, school districts, or other taxing districts after the effective date of the ordinance codified by this chapter in order to create a special fund to pay the principal of and interest on loans, advances, or indebtedness, including bonds proposed to be issued by the City, to finance projects in such area.

**10.02 IOWA PREMIUM BEEF URBAN RENEWAL AREA.** The provisions of this section apply to the Iowa Premium Beef Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on May 20, 2013:

*3337 L Avenue, Tama, Iowa, with a Tama County Property Tax Parcel ID number of 14.36.100.014*

The taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State, the City, the County, and any school district or other taxing district in which the such Urban Renewal Area is located, from and after the effective date of Ordinance No. 569, shall be divided as follows:

1. That portion of the taxes that would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the effective date of Ordinance No. 569, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district that did not include the territory in the Iowa Premium Beef Urban Renewal Area on the effective date of Ordinance No. 569, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll as of January 1 of the calendar year preceding the effective date of said ordinance, shall be used in determining the assessed valuation of the taxable property in said Urban Renewal Area on the effective date.
2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9[1] of the *Code of Iowa*, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate income family housing as provided in Section 403.22 of the *Code of Iowa*, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the *Code of Iowa* and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the

provisions of this section. However, all or a portion of the taxes for the physical plant and equipment levy shall be paid by the school district to the municipality if the municipality certifies to the school district by July 1 the amount of such levy that is necessary to pay the principal and interest on indebtedness incurred by the municipality to finance an urban renewal project, which indebtedness was incurred before July 1, 2000. Such school district shall pay over the amount certified by November 1 following certification to the school district. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown on the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9[1] of the *Code of Iowa*, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.
4. As used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

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## CHAPTER 9

### URBAN REVITALIZATION

**9.01 DESIGNATION OF REVITALIZATION AREA.** In accordance with Chapter 404 of the *Code of Iowa*, the following described area of the City is hereby designated as the Urban Revitalization Area No. 3:

*All of the City of Tama, Iowa*

The Revitalization Plan for Revitalization Area No. 3 is hereby adopted, approved, ratified and confirmed. Said Revitalization Plan is on file in the office of the Clerk.

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## CHAPTER 15

### MAYOR

#### 15.01 Term of Office

#### 15.04 Compensation

#### 15.02 Powers and Duties

#### 15.05 Voting

#### 15.03 Appointments

**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 this Code of Ordinances and the laws of the State.

9. Licenses and Permits. Sign all licenses and permits that have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.
10. 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. Police Chief and Peace Officers
3. Swimming Pool Board
4. Planning and Zoning Commission (with Council approval)
5. Library Board of Trustees (with Council approval)

**15.04 COMPENSATION.** The salary of the Mayor is \$175.00 per month, payable monthly.

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

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

*(Code of Iowa, Sec. 372.4)*

## CHAPTER 16

### MAYOR PRO TEM

#### 16.01 Vice President of Council

#### 16.03 Voting Rights

#### 16.02 Powers and Duties

#### 16.04 Compensation

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

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

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

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

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

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

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

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



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## CHAPTER 17

### CITY COUNCIL

17.01 Number and Term of Council

17.05 Appointments

17.02 Powers and Duties

17.06 Compensation

17.03 Exercise of Power

17.07 Exercise of Power

17.04 Council Meetings

**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 that may be specially assessed.  
*(Code of Iowa, Sec. 364.2[1], 384.16 & 384.38[1])*
4. Public Improvements. The Council shall make all orders for the construction of any improvements, bridges, or buildings.  
*(Code of Iowa, Sec. 364.2[1])*
5. Contracts. The Council shall make or authorize the making of all contracts. No contract shall bind or be obligatory upon the City unless approved by the Council.  
*(Code of Iowa, Sec. 26.10)*
6. Employees. The Council shall authorize, by resolution, the number, duties, term of office and compensation of employees or officers not otherwise provided for by State law or the Code of Ordinances.  
*(Code of Iowa, Sec. 372.13[4])*
7. Setting Compensation for Elected Officers. By ordinance, the Council shall prescribe the compensation of the Mayor, Council members, and other elected City officers, but a change in the compensation of the Mayor does not become effective during the term in which the change is adopted, and the Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election. A change in the compensation of Council members becomes

effective for all Council members at the beginning of the term of the Council members elected at the election next following the change in compensation.

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

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

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

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

*(Code of Iowa, Sec. 380.4)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Regular Meetings. The time and place of the regular meetings of the Council shall be fixed by resolution of the Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council.  
*(Code of Iowa, Sec. 372.13[5])*
3. Quorum. A majority of all Council members is a quorum.  
*(Code of Iowa, Sec. 372.13[1])*
4. Rules of Procedure. The Council shall determine its own rules and maintain records of its proceedings.  
*(Code of Iowa, Sec. 372.13[5])*
5. Compelling Attendance. Any three members of the Council can compel the attendance of the absent members at any regular, adjourned, or duly called meeting, by serving a written notice upon the absent members to attend at once.

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

1. City Clerk
2. City Attorney
3. Deputy City Clerk
4. EMS Officers
5. Board of Adjustment
6. Fire Department Officers

**17.06 COMPENSATION.** The salary of each Council member is \$25.00 for each meeting of the Council attended, payable monthly.

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

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

1. 1. Approved Action by Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the council members. A motion to spend public funds in excess of \$10,000 on any one project, or a motion to accept public improvements and facilities upon their completion also requires an affirmative vote of not less than a majority of the council members. Each council member’s vote on an ordinance, amendment or resolution must be recorded.

2. 2. Over-riding Mayor's Veto. Within 30 days after the Mayor's veto, the council may re-pass the ordinance or resolution by a vote of not less than two-thirds of the council members, and the ordinance or resolution becomes effective upon re-passage and publication.
3. 3. Measures Become Effective. Measures passed by the Council, other than motions, become effective in one of the following ways:
  - A. A. If the Mayor signs the measure, a resolution becomes effective immediately upon signing and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.
  - B. B. If the Mayor vetoes a measure and the council re-passes the measure after the Mayor's veto, a resolution becomes effective immediately upon re-passage, and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.
  - C. C. If the Mayor takes no action on the measure a resolution becomes effective 14 days after the date of passage and an ordinance or amendment becomes law when published, but not sooner than 14 days after the passage, unless a subsequent effective date is provided within the measure.
  - D.
  - E. [The next page is 81]

## 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 Other Publications**

**18.06 Authentication**

**18.07 Certification**

**18.08 Records**

**18.09 Attendance at Meetings**

**18.10 Licenses and Permits**

**18.11 Notification of Appointments**

**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 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 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 OTHER PUBLICATIONS.** 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 or more than 20 days before the date of the election, hearing, or other action, unless otherwise provided by law.

*(Code of Iowa, Sec. 362.3)*

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

*(Code of Iowa, Sec. 362.3)*

**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 CERTIFICATION.** The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits and a plat showing the district, lines, or limits to the recorder of the County containing the affected parts of the City.  
(*Code of Iowa, Sec. 380.11*)

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

1. **Ordinances and Codes.** Maintain copies of all effective City ordinances and codes for public use.  
(*Code of Iowa, Sec. 380.7[5]*)
2. **Custody.** Have custody and be responsible for the safekeeping of all writings or documents in which the City is a party in interest unless otherwise specifically directed by law or ordinance.  
(*Code of Iowa, Sec. 372.13[4]*)
3. **Maintenance.** Maintain all City records and documents, or accurate reproductions, for at least five years except that ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to the issuance, cancellation, transfer, redemption or replacement of public bonds or obligations shall be kept for at least 11 years following the final maturity of the bonds or obligations. Ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to real property transactions shall be maintained permanently.  
(*Code of Iowa, Sec. 372.13[3 & 5]*)
4. **Provide Copy.** Furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control when it may be necessary to such officer in the discharge of such officer's duty; furnish a copy to any citizen when requested upon payment of the fee set by Council resolution; under the direction of the Mayor or other authorized officer, affix the seal of the City to those public documents or instruments that by this Code of Ordinances are required to be attested by the affixing of the seal.  
(*Code of Iowa, Sec. 372.13[4 & 5] and 380.7[5]*)
5. **Filing of Communications.** Keep and file all communications and petitions directed to the Council or to the City generally. The Clerk shall endorse thereon the action of the Council taken upon matters considered in such communications and petitions.  
(*Code of Iowa, Sec. 372.13[4]*)

**18.09 ATTENDANCE AT MEETINGS.** The Clerk shall attend all regular and special Council meetings and, at the direction of the Council, the Clerk shall attend meetings of committees, boards, and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.  
(*Code of Iowa, Sec. 372.13[4]*)

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

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

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

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



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## CHAPTER 19

### CITY TREASURER

#### 19.01 Appointment

#### 19.03 Duties of Treasurer

#### 19.02 Compensation

**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**

**20.09 Representation of City Employees**

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

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

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

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

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

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

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

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

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

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

**20.06 PROVIDE LEGAL OPINION.** The City Attorney shall give advice or a written legal opinion on City contracts and all questions of law relating to City matters submitted by the Mayor or Council or any board or the head of any City department.

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

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

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

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

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

**20.09 REPRESENTATION OF CITY EMPLOYEES.** The City Attorney shall not appear on behalf of any City officer or employee before any court or tribunal for the purely private benefit of said officer or employee. The City Attorney shall, however, if directed by the Council, appear to defend any City officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.

*(Code of Iowa, Sec. 670.8)*

## CHAPTER 21

### JOINT SWIMMING POOL BOARD

#### 21.01 Authority

#### 21.02 Swimming Pool Board Established

#### 21.03 Jurisdiction

#### 21.04 Rules and Regulations

#### 21.05 Budget

#### 21.06 Swimming Pool Account

#### 21.07 Compensation

**21.01 AUTHORITY.** The cities of Tama and Toledo, Iowa, have been authorized by the voters and the laws of the State to build a swimming pool financed jointly by each community, which swimming pool has been built.

**21.02 SWIMMING POOL BOARD ESTABLISHED.** There is hereby established a swimming pool board, which shall consist of three residents of the City of Tama, Iowa, and three residents of the City of Toledo, Iowa, who are to be appointed for staggered terms by the Mayors of their respective cities and to be approved by the city council of each of their respective cities.

**21.03 JURISDICTION.** The swimming pool board shall have complete managerial authority of the swimming pool and the swimming pool area.

**21.04 RULES AND REGULATIONS.** The swimming pool board shall have the power to make its own rules and regulations and determine the time and place of meetings except as is otherwise set forth in this chapter.

**21.05 BUDGET.** The swimming pool board shall meet prior to July 1 in each year and submit in writing to each of the councils of the cities of Tama and Toledo, a budget in accordance with the laws of the State of Iowa, which shall be approved by the city councils of Tama and Toledo, and the tax levy, if any, shall be prorated between the two cities on an established basis of apportionment.

**21.06 SWIMMING POOL ACCOUNT.** A swimming pool account shall be established in the names of the cities of Tama and Toledo. The swimming pool board shall designate one of its members as Treasurer under bond running to the cities of Tama and Toledo.

**21.07 COMPENSATION.** The members of the swimming pool board shall serve without compensation but the Treasurer or Clerk in charge of the new swimming pool account should be compensated for any additional work.

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## CHAPTER 22

### LIBRARY BOARD OF TRUSTEES

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

**22.01 PUBLIC LIBRARY.** The public library for the City is known as the Louise and Lucile Hink Tama Public Library. It is referred to in this chapter as the Library.

**22.02 LIBRARY TRUSTEES.** The Board of Trustees of the Library, hereinafter referred to as the Board, consists of four resident members and one nonresident member. All resident members are to be appointed by the Mayor with the approval of the Council. The nonresident member is to be appointed by the Mayor with the approval of the County Board of Supervisors.

**22.03 QUALIFICATIONS OF TRUSTEES.** All resident members of the Board shall be bona fide citizens and residents of the City. The nonresident member of the Board shall be a bona fide citizen and resident of the unincorporated County. Members shall be over the age of 18 years.

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

1. Term of Office. All appointments to the Board shall be for four years, except to fill vacancies. No person shall serve more than 12 years as a member of the Board. Each term shall commence on July 1. Appointments shall be made every two years of one-third the total number or as near as possible, to stagger the terms.
2. Vacancies. The position of any resident Trustee shall be vacated if such member moves permanently from the City. The position of a nonresident Trustee shall be vacated if such member moves permanently from the County or into the City. The position of any Trustee shall be deemed vacated if such member is absent from six consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City or County. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.
3. Compensation. Trustees shall receive no compensation for their services.

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



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

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

1. Contracting. The Board may contract with any other boards of trustees of free public libraries, with any other city, school corporation, private or semiprivate organization, institution of higher learning, township, or County, or with the trustees of any County library district for the use of the Library by their respective residents.  
*(Code of Iowa, Sec. 392.5 & Ch. 28E)*
2. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five percent in number of the electors who voted for governor in the territory of the contracting party at the last general election. The petition must be presented to the governing body not less than 40 days before the election. The proposition may be submitted at any election provided by law which is held in the territory of the party seeking to terminate the contract.

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

1. Lending. By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City, or County, or upon payment of a special nonresident Library fee.
2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.
3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.
4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

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

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

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

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

*(Code of Iowa, Sec. 716.1)*

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

*(Code of Iowa, Sec. 714.1)*

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

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

*(Code of Iowa, Sec. 714.5)*

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

*(Code of Iowa, Sec. 808.12)*

## CHAPTER 23

# PLANNING AND ZONING COMMISSION

### 23.01 Planning and Zoning Commission

### 23.04 Compensation

### 23.02 Term of Office

### 23.05 Powers and Duties

### 23.03 Vacancies

**23.01 PLANNING AND ZONING COMMISSION.** The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of five 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)*

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

*(Code of Iowa, Sec. 392.1)*

**23.03 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)*

**23.04 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)*

**23.05 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 on Improvements. The design and proposed location of public improvements shall be submitted to the Commission for its recommendations prior to any actions being taken by the City for the

construction or placement of such improvements. Such requirements and recommendations shall not act as a stay upon action for any such improvement if the Commission, after 30 days' written notice requesting such recommendations, has failed to file the same.

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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## CHAPTER 30

# POLICE DEPARTMENT

30.01 Department Established

30.02 Organization

30.03 Peace Officer Qualifications

30.04 Required Training

30.05 Compensation

30.06 Peace Officers Appointed

30.07 Powers and Duties of Police Chief

30.08 Sergeant Duties

30.09 Departmental Rules

30.10 Summoning Aid

30.11 Taking Weapons

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

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

**30.03 PEACE OFFICER QUALIFICATIONS.** In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.  
*(Code of Iowa, Sec. 80B.11)*

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

*(Code of Iowa, Sec. 80B.11[2])  
(IAC, 501-3 and 501-8)*

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

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

**30.07 POWERS AND DUTIES OF POLICE CHIEF.** The Police Chief has the following powers and duties subject to the approval of the Council.  
*(Code of Iowa, Sec. 372.13[4])*

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

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

**30.08 SERGEANT DUTIES.** The police department shall have one sergeant who shall be a qualified peace officer and who shall have the following powers and duties:

1. 1. On those occasions when the Police Chief is absent, not on duty, the position of Police Chief is vacant, or the Police Chief is not present on the scene, the Sergeant shall have and exercise all of the power and authority of the Police Chief in his place and stead and shall have full and complete supervisory authority and command over any and all other officers of the Police Department, including the detective, including the authority to transfer, suspend, layoff, recall, recommend promotions, recommend discharge, assign, reward, discipline, direct the work of the officers or adjust their grievances in the same manner and to the same extent as the Police Chief might do. All of the foregoing authority shall be exercised by the Sergeant using his independent judgement in performing his supervisory functions which shall be in the interest of the City of Tama, Iowa.

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

1. 1. Rules of Conduct. The conduct and activity of members of the department during regular and off-duty hours.
2. 2. Uniform. The wear and care of uniforms.
3. 3. Weapons. The care, use, and practice of side arms and other police weapons.
4. 4. Communication. The procedures, use and care of the police radio and other communication systems.
5. 5. Training. The nature, time and attendance requirements for in service training of members of the department.

6. 6. Emergencies. Temporary rules for the protection and functioning of the department as may be necessary in the event of an emergency until such rules may be considered by the council.
7. 7. Other. Such other rules as may be deemed necessary and advisable in assuring efficient and proper performance of the duties of the department.
8. 8. Penalties. The penalties which may be imposed for violations of established departmental rules by members.
9. 9. Notice. The police chief shall give written notice to any member charged with a violation of departmental rules specifying the rule violated, the nature of the violation and the penalty to be imposed.
10. 10. Appeal. A member of the department charged with a violation of rules may request a hearing before the council by filing notice of appeal with the clerk within ten days of receipt of notice of violation. The council, at its next meeting shall review the facts and affirm, modify, or revoke the action of the police chief.

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

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





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## CHAPTER 31

### RESERVE FORCE

**31.01 Establishment of Force**

**31.04 Reserve Force Rules and Regulations**

**31.02 Appointment**

**31.05 Compensation**

**31.03 Provisions**

**31.01 ESTABLISHMENT OF FORCE.** A force of reserve peace officers is hereby created and established in accordance with Chapter 80D of the *Code of Iowa*.

**31.02 APPOINTMENT.** The appointment of officers to the Reserve Force shall be by the Chief of Police and subject to the approval of the Mayor.

**31.03 PROVISIONS.** These sections of Chapter 80D of the *Code of Iowa* are adopted by reference and are as follows

1. 1. Section 80D.1A – Definitions
2. 2. Section 80D.2 – Personal Standards
3. 3. Section 80D.3 – Training Standards
4. 4. Section 80D.4 – Training
5. 5. Section 80D.5 – No Exemptions
6. 6. Section 80D.6 – Status of Reserve Peace Officers
7. 7. Section 80D.7 – Carrying Weapons
8. 8. Section 80D.8 – Supplementary Capacity
9. 9. Section 80D.9 – Supervision of Reserve Peace Officers
10. 10. Section 80D.10 – No Reduction of Regular Force
11. 11. Section 80D.11 – Employee – Pay
12. 12. Section 80D.12 – Benefits when Injured
13. 13. Section 80D.13 – Insurance
14. 14. Section 80D.14 – No Participation in a Pension Fund or Retirement System
15. **31.04 RESERVE FORCE RULES AND REGULATIONS.** The Chief of Police shall determine which rules and regulations of the regular force shall apply to the reserve force and shall establish such rules, not in conflict with the City's Code of Ordinances, and subject to the approval of the council as may be necessary for the operation of the reserve force.
16. **31.05 COMPENSATION.** Any compensation in addition to that provided in Section 31.03, Subsections 11, 12, 13, and 14 above shall be limited to an hourly wage to be set by the City Council and shall include no other benefits.

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## CHAPTER 35

# FIRE DEPARTMENT

35.01 Establishment and Purpose	35.10 Duties of Training Officer
35.02 Organization	35.11 Obedience to Fire Chief
35.03 Approved by Council	35.12 Constitution
35.04 Training	35.13 Accidental Injury Insurance
35.05 Compensation	35.14 Liability Insurance
35.06 Election of Officers	35.15 Calls Outside Fire District
35.07 Duties of Fire Chief	35.16 Mutual Aid
35.08 Duties of Assistant Chief	35.17 Authority to Cite Violations
35.09 Duties of Secretary-Treasurer	

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

*(Code of Iowa, Sec. 364.16)*

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

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

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

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

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

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

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

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

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

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

1. Enforce Laws. Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin, and circumstances of fires.

2. Technical Assistance. Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits, and development of fire emergency plans.
3. Authority at Fires. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.  
*(Code of Iowa, Sec. 102.2)*
4. Control of Scenes. Prohibit an individual, vehicle, or vessel from approaching a fire scene and remove from the scene any object, vehicle, vessel, or individual that may impede or interfere with the operation of the Fire Department.  
*(Code of Iowa, Sec. 102.2)*
5. Authority to Barricade. When in charge of a fire scene, place or erect ropes, guards, barricades, or other obstructions across a street, alley, right-of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the firefighting efforts of the Fire Department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.  
*(Code of Iowa, Sec. 102.3)*
6. Command. Be charged with the duty of maintaining the efficiency, discipline, and control of the Fire Department. The members of the Fire Department shall, at all times, be subject to the direction of the Fire Chief.
7. Property. Exercise and have full control over the disposition of all fire apparatus, tools, equipment, and other property used by or belonging to the Fire Department.
8. Notification. Whenever death, serious bodily injury, or property damage in excess of \$200,000.00 has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal's Division immediately. For all other fires causing an estimated damage of \$50.00 or more or emergency responses by the Fire Department, file a report with the Fire Marshal's Division within 10 days following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents.  
*(Code of Iowa, Sec. 100.2 & 100.3)*
9. Right of Entry. Have the right, during reasonable hours, to enter any building or premises within the Fire Chief's jurisdiction for the purpose of making such investigation or inspection that under law or ordinance may be necessary to be made and that is reasonably necessary to protect the public health, safety, and welfare.  
*(Code of Iowa, Sec. 100.12)*
10. Recommendation. Make such recommendations to owners, occupants, caretakers, or managers of buildings necessary to eliminate fire hazards.  
*(Code of Iowa, Sec. 100.13)*

11. Assist State Fire Marshal. At the request of the State Fire Marshal, and as provided by law, aid said marshal in the performance of duties by investigating, preventing and reporting data pertaining to fires.
12. Records. Cause to be kept records of the Fire Department personnel, firefighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause, and location, and an analysis of losses by value, type and location of buildings.
13. Reports. Compile and submit to the Mayor and Council an annual report of the status and activities of the department as well as such other reports as may be requested by the Mayor or Council.

**35.08 DUTIES OF ASSISTANT CHIEF.** The Assistant Chief shall assist the Fire Chief in performing the duties of his office and shall as Fire Chief in the event of the Chief's absence or inability to perform their duties.

**35.09 DUTIES OF SECRETARY-TREASURER.** The Secretary-Treasurer shall be responsible for maintaining records or all meetings of the Fire Department, the submission of roster reports to the Fire Chief and such other reports as deemed necessary by the City Council. They shall also be responsible for the preparation of billings, accounting for any receipts and disbursements of funds and submitting copies of records maintained to the City Clerk.

**35.10 DUTIES OF TRAINING OFFICER.** The Training Officer shall be responsible for training new personnel and for the continued training of existing personnel.

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

**35.12 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.

**35.13 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)*

**35.14 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)*

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

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

**35.16 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])*

**35.17 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)*



## 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 30 days, the City Attorney or City Clerk shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the Council and immediately seek any State or federal funds available for said cleanup.

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

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

**36.05 NOTIFICATIONS.**

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

# EMERGENCY AMBULANCE SERVICE

37.01 Ambulance Service Established	37.10 Nature of Service
37.02 Organizational Structure	37.11 Membership Qualifications
37.03 Selection of Officers	37.12 Appointment of Members
37.04 Meetings	37.13 Dismissal of Members
37.05 Quarterly Reports	37.14 Resignations
37.06 Boundaries of Ambulance Service Area	37.15 Receipt and Expenditure of Funds
37.07 Rates	37.16 Billing and Collection of Fees
37.08 Mutual Aid Agreement	37.17 Additional Rules and Regulations
37.09 Limits of Service	

**37.01 AMBULANCE SERVICE ESTABLISHED.** There is hereby established an ambulance service for the City of Tama, Iowa which service shall be operated and maintained by the City of Tama under the rules and regulations set forth and contained herein and such other rules and regulations as may be established by the City Council.

**37.02 ORGANIZATIONAL STRUCTURE.** The officers of the ambulance service shall be as follows:

1. 1. Director. The Director is responsible for the daily operation of the ambulance service including scheduling, maintenance, maintaining daily log and any other functions necessary for the efficient operation of the ambulance service.
2. 2. Assistant Director. The Assistant Director shall assist the Director in performing the duties of their office and shall act as Director in the event the Director's absence or inability to perform their duties.
3. 3. Secretary-Treasurer. The Secretary-Treasurer shall be responsible for maintaining records of all meetings of the service, the submission of roster reports to the Director and such other reports as shall be deemed necessary by the City Council. They shall also be responsible for preparation of billings, accounting for any receipts and disbursements of funds and submitting copies of records maintained to the City Clerk.
4. 4. Training Officer. The Training Officer shall be responsible for training new personnel and for the continued training of existing personnel.
5. **37.03 SELECTION OF OFFICERS.** Officers shall be selected in the following manner:
  6. 1. All officers shall service for a term of one year.
  7. 2. All officers shall be members of the ambulance service.
  8. 3. Annually in December, at a regular business meeting of the entire service the ambulance service members shall nominate officers by election.

Each member of the ambulance service shall be entitled to vote. Nomination shall be by majority vote of these members present.

9. 4. Prior to the first regular council meeting in each calendar year, the Director shall submit to the City Council a list of the individuals nominated to serve as officers. The City Council, in making its appointment of officers, may accept or reject any of the individuals names.
10. 5. The City Council may remove officers prior to the expiration of their term of office.
11. **37.04 MEETINGS.** A regular business meeting of the entire ambulance service personnel shall be held once each month, with minutes of the meeting to be recorded by the Secretary – Treasurer. Seven days advance notice of the meeting shall be furnished to all ambulance personnel and to the City Council. The notice shall contain an agenda of the business to be conducted. No business other than that set forth on the agenda shall be conducted.
12. **37.05 QUARTERLY REPORTS.** The Director shall, on a quarterly basis, prepare and submit to the Community Protection Chairman, a report concerning the activities of the ambulance service for the preceding quarter including, but not limited to, personnel roster, changes in operations or problems in operations experienced or anticipated, proposed changes in operations and any other information which the Community Protection Chairman or the City Council may from time to time request.
13. **37.06 BOUNDARIES OF AMBULANCE SERVICE AREA.** The ambulance service shall serve such areas as the City Council may, by resolution, from time to time determine.
14. **37.07 RATES.** The rates for ambulance service shall be as the City Council may, by resolution, from time to time provide.
15. **37.08 MUTUAL AID AGREEMENT.** The City Council is hereby authorized to enter into a mutual aid agreement with other cities of Tama County, Iowa, upon such terms and conditions as shall seem best to the City Council. Pursuant to said agreement, it shall be provided that, should the ambulance service of any other City lying within Tama County respond to an authorized call within the service area of the City of Tama, the fee charged for said service shall be assessed in accordance with the fee schedule as the City Council may, by resolution from time to time provide, and said fee shall accrue to and be retained by the City of Tama. Should the City of Tama ambulance service respond to an authorized call within the service area of any other City within Tama County, there shall be no fee assessed by the City of Tama for said call. For the purposes of this chapter, “authorized call” shall be a request for ambulance service made by a duly authorized agent of the ambulance service of the City making the request for service.
16. **37.09 LIMITS OF SERVICE.** The ambulance service shall transport patients to any medical facility within a 100 mile radius of the City of Tama, Iowa.
17. **37.10 NATURE OF SERVICE.** It is the purpose and policy of the City of Tama in providing ambulance service that said ambulance service be limited to providing emergency medical transportation. To this end, it shall be the policy of the ambulance service to refrain from providing transportation for routine medical treatment where no medical emergency exists. Where the attending physician specifically requests that

transportation be made, the ambulance service may transport patients to a doctor's office and from said office to a hospital, even though no medical emergency exists.

18. **37.11 MEMBERSHIP QUALIFICATIONS.** All members of the ambulance service shall satisfy the following qualifications:
  19. 1. Be of good moral character as determined by a thorough investigation conducted by the Director.
  20. 2. Meet all minimum qualifications established by the State of Iowa for ambulance personnel.
  21. 3. Be a citizen of the United States or an alien who is legally residing therein and reside within the service area of the City of Tama ambulance service.
  22. 4. Such other qualifications as the City Council may, by resolution, from time to time establish.
23. **37.12 APPOINTMENT OF MEMBERS.** The procedure for appointment of an individual to the ambulance service shall be as follows:
  24. 1. The individual seeking appointment shall submit a written application to the Director on a form to be supplied by the ambulance service and containing such information as the City Council may from time to time request.
  25. 2. The proposed appointment shall require the approval of two-thirds of the members of the ambulance service who are present at the regular monthly business meeting at which the appointment is proposed.
  26. 3. Upon receiving the two-thirds approval, the individual shall at that time be admitted to the ambulance service, subject to final council approval, and the individual shall be entitled to receive such benefits and compensation as the City Council may, from time to time, fix and establish by resolution.
  27. 4. The Director shall submit the name of the individual receiving the required two-thirds approval to the City Council for its approval at the next regularly scheduled council meeting.
28. **37.13 DISMISSAL OF MEMBERS.** The City Council may dismiss a member from the ambulance service upon the recommendation of the Director or upon its own motion.
29. **37.14 RESIGNATIONS.** The resignation of any individual as an officer and/or members of the ambulance service shall be submitted to the Director or any officer acting as such in the Director's absence. Said officer shall immediately file said resignation with the City Clerk for delivery to the Community Protection Chairman. Said resignation shall be deemed effective upon filing with the City Clerk. Any member who has resigned from the ambulance service shall comply with the provisions of Section 37.12 to obtain re-admission to the ambulance service.
30. **37.15 RECEIPT AND EXPENDITURE OF FUNDS.** All funds received by or for the benefit of the ambulance service or from its operations shall be delivered to the City Clerk for deposit in such funds and accounts as the City Council may, from time to time establish. No money shall be expended nor shall any indebtedness be incurred by or on behalf of the ambulance service without the prior authorization and approval

of the City Council or the Community Protection Chairman, except the ambulance Director may authorize the expenditure of budgeted funds not to exceed \$150.00.

31. **37.16 BILLING AND COLLECTION OF FEES.** It shall be the duty of the Director to personally authorize and deliver such records and information to the City Clerk as shall enable the City Clerk to bill and collect for ambulance services rendered. All fees thereby collected shall be deposited in accordance with Section 306.15. All supplies used shall be billed to the patient, the determination as to the amount of supplies used and the charge therefore to be made by the Director, which prices are subject to change without notice. The Council may, by resolution, from time to time establish such procedures as it deems necessary for the prompt and diligent collection of bills for ambulance services rendered.
32. **37.17 ADDITIONAL RULES AND REGULATIONS.** The Council may, from time to time, make such additional rules and regulations pertaining to the operation and maintenance of the ambulance service as it may deem necessary.
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## CHAPTER 40

### PUBLIC PEACE

**40.01 Assault**

**40.04 Unlawful Assembly**

**40.02 Harassment**

**40.05 Failure to Disperse**

**40.03 Disorderly Conduct**

**40.06 Terrorism**

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

1. Pain or Injury. Any act that is intended to cause pain or injury to another or that is intended to result in physical contact that will be insulting or offensive to another, coupled with the apparent ability to execute the act.  
*(Code of Iowa, Sec. 708.1[1])*
2. Threat of Pain or Injury. Any act that is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.  
*(Code of Iowa, Sec. 708.1[2])*

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

*(Code of Iowa, Sec. 708.1)*

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

1. A person commits harassment when, with intent to intimidate, annoy, or alarm another person, the person does any of the following:
  - A. Communicates with another by telephone, telegraph, writing, or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.  
*(Code of Iowa, Sec. 708.7)*
  - B. Places any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by the other person.  
*(Code of Iowa, Sec. 708.7)*

- C. Orders merchandise or services in the name of another, or to be delivered to another, without such other person's knowledge or consent.  
(*Code of Iowa, Sec. 708.7*)
  - D. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the same did not occur.  
(*Code of Iowa, Sec. 708.7*)
2. A person commits harassment when the person, purposefully and without legitimate purpose, has personal contact with another person, with the intent to threaten, intimidate or alarm that other person. As used in this section, unless the context otherwise requires, "personal contact" means an encounter in which two or more people are in visual or physical proximity to each other. "Personal contact" does not require a physical touching or oral communication, although it may include these types of contacts.

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

- 1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct that is reasonably related to that sport.  
(*Code of Iowa, Sec. 723.4[1]*)
- 2. Noise. Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.  
(*Code of Iowa, Sec. 723.4[2]*)
- 3. Abusive Language. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another.  
(*Code of Iowa, Sec. 723.4[3]*)
- 4. Disrupt Lawful Assembly. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.  
(*Code of Iowa, Sec. 723.4[4]*)
- 5. False Report of Catastrophe. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.  
(*Code of Iowa, Sec. 723.4[5]*)
- 6. Disrespect of Flag. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault. As used in this subsection:  
(*Code of Iowa, Sec. 723.4[6]*)
  - A. "Deface" means to intentionally mar the external appearance.
  - B. "Defile" means to intentionally make physically unclean.
  - C. "Flag" means a piece of woven cloth or other material designed to be flown from a pole or mast.
  - D. "Mutilate" means to intentionally cut up or alter so as to make imperfect.

- E. “Show disrespect” means to deface, defile, mutilate, or trample.
  - F. “Trample” means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.
7. Obstruct Use of Street. Without authority or justification, obstruct any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.  
*(Code of Iowa, Sec. 723.4[7])*
8. Funeral or Memorial Service. Within 1,000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1,000 feet of a funeral procession or burial:
- A. Make loud and raucous noise that causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.
  - B. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another.
  - C. Disturb or disrupt the funeral, memorial service, funeral procession, or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession, or burial.

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

*(Code of Iowa, Sec. 723.5)*

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

*(Code of Iowa, Sec. 723.2)*

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

*(Code of Iowa, Sec. 723.3)*

**40.06 TERRORISM.** No person shall shoot, throw, launch, or discharge a dangerous weapon at or into any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person, and thereby place the occupants thereof in reasonable apprehension of serious injury.

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## CHAPTER 41

### PUBLIC HEALTH AND SAFETY

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

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

*(Code of Iowa, Sec. 727.1)*

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

*(Code of Iowa, Sec. 718.6)*

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

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

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

**41.04 REFUSING TO ASSIST OFFICER.** Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer assistance in making or attempting to make an arrest, or to prevent the commission of any criminal act, shall render

assistance as required. No person shall unreasonably and without lawful cause, refuse or neglect to render assistance when so requested.

*(Code of Iowa, Sec. 719.2)*

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

*(Code of Iowa, Sec. 718.4)*

**41.06 INTERFERENCE WITH OFFICIAL ACTS.** No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, jailer, emergency medical care provider or firefighter, whether paid or volunteer, or a person performing bailiff duties pursuant to Section 602.1303[4] of the *Code of Iowa*, in the performance of any act that is within the scope of the lawful duty or authority of that officer, jailer, emergency medical care provider, or firefighter, or person performing bailiff duties, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms "resist" and "obstruct" as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

*(Code of Iowa, Sec. 719.1)*

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

*(Code of Iowa, Sec. 708.12)*

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

*(Code of Iowa, Sec. 727.3)*

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

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

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

**41.11 DISCHARGING WEAPONS.**

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

**41.12 THROWING AND SHOOTING.** It is unlawful for a person to throw stones, bricks, or missiles of any kind or to shoot arrows, paintballs, rubber guns, slingshots, air rifles, BB guns, or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground, or public building, without written consent of the Council.

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

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

**41.14 FIREWORKS.** The use or exploding of fireworks within the City of Tama shall be subject to the following regulations:

*(Code of Iowa, Sec. 727.2)*

1. The use or explosion of display fireworks is prohibited within the City of Tama.
2. Consumer fireworks and novelties may only be used or exploded within the City of Tama from June 30 through July 4. On said dates, except July 4, consumer fireworks and novelties may only be used or exploded between 12:00 p.m. and 10:00 p.m. On July 4, consumer fireworks and novelties may only be used or exploded between 12:00 p.m. and 11:00 p.m.
3. No consumer fireworks or novelties shall be used on City property or real property where the owner has not consented to the use of said fireworks.
4. The definitions of “fireworks,” “consumer fireworks,” and “novelties” as set forth in Section 727.2 of the *Code of Iowa*, by this reference thereto, adopted and incorporated herein.
5. Any violation of this section shall constitute a simple misdemeanor punishable by a fine of not less than \$250.00.
6. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

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## CHAPTER 42

### PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing	42.07 Horses and Vehicles Prohibited on Flood Control Structures
42.02 Criminal Mischief	
42.03 Defacing Proclamations or Notices	42.08 Damage to Public or Utility Property
42.04 Unauthorized Entry	42.09 Destroying Park Equipment
42.05 Fraud	42.10 Injury to Fire Apparatus
42.06 Theft	42.11 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 HORSES AND VEHICLES PROHIBITED ON FLOOD CONTROL STRUCTURES.** It is unlawful to ride a horse, to bring, allow, or permit a horse, or to operate a motor vehicle, including (but not limited to) an all-terrain vehicle or snowmobile, upon, over, across or within 15 feet of the base of any levee, dike, or other flood control structure, except as the City may specifically authorize, or to otherwise injure, damage, or destroy any levee, dike, or other flood control structure.

**42.08 DAMAGE TO PUBLIC OR UTILITY PROPERTY.** It shall be unlawful for a person to maliciously injure, remove, or destroy any electric railway or apparatus belonging thereto; or any bridge, rail or plank road; or place, or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or maliciously cut, burn or in any way break down, injure, or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or breakdown and destroy or injure and efface any electric light, telegraph or telephone instrument; or in any way cut, break, or injure the wires of any apparatus make connection with, or destroy any of the wires, mains, pipes, conduits, meters, or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant, or water plant; or to aid or abet any other person in so doing.

**42.09 DESTROYING PARK EQUIPMENT.** It shall be unlawful for a person to destroy or injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

**42.10 INJURY TO FIRE APPARATUS.** It shall be unlawful for a person to willfully destroy or injure any engine, hose, hook and ladder truck, or other thing used and keep for extinguishment of fires.

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

1. Chapter 22 – Library
  - A. Section 22.10 – Injury to Books or Property
  - B. Section 22.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control and Recycling
  - A. Section 105.07 – Littering Prohibited
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
  - G.
  - H.
- I. [The next page is 205]

## CHAPTER 43

# DRUG PARAPHERNALIA

### 43.01 Purpose

### 43.02 Controlled Substance Defined

### 43.03 Drug Paraphernalia Defined

### 43.04 Determining Factors

### 43.05 Possession of Drug Paraphernalia

### 43.06 Manufacture, Delivery, or Offering For Sale

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

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

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

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

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

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

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

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

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

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



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## CHAPTER 44

# HUFFING AND HUFFING PARAPHERNALIA

### 44.01 Definitions

### 44.03 Possession of Huffing Paraphernalia

### 44.02 Huffing Prohibited

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

1. “Huffing” means smelling or inhaling the fumes from any glue, cement, hair spray, paint, spray paint, inhalers, pressurized gas, or other solvents or chemicals having the property of releasing toxic vapors for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system.
2. “Huffing paraphernalia” includes, without limitation, any device, product, chemical means, method or material of any kind which is used, intended to be used, or designed to be used for inhaling or otherwise introducing into the human body the fumes from any glue, cement, hair spray, paint, spray paint, inhalers, pressurized gas, or other solvents or chemicals having the property of releasing toxic vapors.

**44.02 HUFFING PROHIBITED.** It is unlawful for any person to engage in or to attempt to engage in huffing.

**44.03 POSSESSION OF HUFFING PARAPHERNALIA.** It is unlawful for any person to use, or possess with intent to use, huffing paraphernalia for the purpose of committing huffing.

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## CHAPTER 45

# ALCOHOL CONSUMPTION AND INTOXICATION

### 45.01 Persons Under Legal Age

### 45.03 Open Containers in Motor Vehicles

### 45.02 Public Consumption or Intoxication

### 45.04 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 liquor control 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 liquor control licensee or wine or beer permittee.

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

### **45.02 PUBLIC CONSUMPTION OR INTOXICATION.**

1. As used in this section unless the context otherwise requires:
  - A. “Arrest” means the same as defined in Section 804.5 of the *Code of Iowa* and includes taking into custody pursuant to Section 232.19 of the *Code of Iowa*.
  - B. “Chemical test” means a test of a person’s blood, breath, or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the Commissioner of Public Safety.
  - C. “Peace officer” means the same as defined in Section 801.4 of the *Code of Iowa*.
  - D. “School” means a public or private school or that portion of a public or private school that provides teaching for any grade from kindergarten through grade twelve.
2. A person shall not use or consume alcoholic liquor, wine or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated in a public place.
3. A person shall not simulate intoxication in a public place.

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

*(Code of Iowa, Sec. 123.46)*

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

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

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

## CHAPTER 46

### MINORS

#### 46.01 Curfew

#### 46.03 Additional Restrictions

#### 46.02 Cigarettes and Tobacco

#### 46.04 Contributing to Delinquency

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

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

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

- F. “Responsible adult” means a parent, guardian or other adult specifically authorized by law or authorized by a parent or guardian to have custody or control of a minor.
2. Curfew Established.
    - A. It is unlawful for any minor under the age of 15 years 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 8:30 p.m. and 6:00 a.m. of any day.
    - B. It is unlawful for any minor age 15 to 18 to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City between the hours of 12:00 midnight and 6:00 a.m. of any day.
  3. Exceptions. The following are exceptions to the curfew:
    - A. The minor is accompanied by a responsible adult.
    - B. The minor is on the sidewalk or property where the minor resides or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.
    - C. The minor is present at or is traveling between home and one of the following:
      - (1) Minor’s place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling, within one hour after the end or before the beginning of work;
      - (2) Minor’s place of religious activity or, if traveling, within one hour after the end or before the beginning of the religious activity;
      - (3) Governmental or political activity or, if traveling, within one hour after the end or before the beginning of the activity;
      - (4) School activity or, if traveling, within one hour after the end or before the beginning of the activity;
      - (5) Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic, political, religious or cultural matters, or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly or, if traveling, within one hour after the end or before the beginning of the activity.
    - D. The minor is on an emergency errand for a responsible adult;
    - E. The minor is engaged in interstate travel through the City beginning, ending or passing through the City when such travel is by direct route.
  4. Responsibility of Adults. It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the City within the time periods prohibited by this section unless the minor’s presence falls within one of the above exceptions.

5. Enforcement Procedures.
  - A. Determination of Age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a law enforcement officer on the street shall, in the first instance, use his or her best judgment in determining age.
  - B. Grounds for Arrest; Conditions of Custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the ordinance; refuses to provide proper identification or to identify himself or herself; or constitutes an immediate threat to the person's own safety or to the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any nonsecured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.
  - C. Notification of Responsible Adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such time as the court may direct.
  - D. Minor Without Adult Supervision. If a law enforcement officer determines that a minor does not have adult supervision because the law enforcement officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor, within a reasonable time, the law enforcement officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child or another adult person who is known to the child.
6. Penalties.
  - A. Responsible Adult's First Violation. In the case of a first violation by a minor, the law enforcement officer shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.
  - B. Responsible Adult's Second Violation. Any responsible adult as defined in this section who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section is guilty of a municipal infraction.
  - C. Minor's First Violation. In the case of a first violation by a minor, the law enforcement officer shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties, or, at the law enforcement officer's discretion, may issue the minor a citation for a first violation.
  - D. Minor's Second Violation. For the minor's second and subsequent violations of any of the provisions of this section, the minor is guilty of a municipal infraction.



**46.02 CIGARETTES AND TOBACCO.** It is unlawful for any person under 18 years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by a person under 18 years of age shall not constitute a violation of this section if said person possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.

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

**46.03 ADDITIONAL RESTRICTIONS.** It shall be unlawful for any person to do any of the following:

1. 1. To sit upon the hood, fenders, roof, trunk lid, bumpers pickup box, or truck bed of any motor vehicle parked upon the streets, alleys, or public parking areas.
2. 2. To sit or stand upon the streets, alleys, or public parking areas except during parades or civic activities where said streets, alleys, or public parking areas are closed to regular vehicular traffic by authority of the Mayor or City Council.
3. 3. To sit upon the sidewalk or curb and in so doing to allow any part of the human body to rest upon the streets, alleys or public parking areas except during parades or civic activities where said streets, alleys or parking areas are closed to regular vehicular traffic by authority of the Mayor or City Council.
4. 4. To sit upon any motorcycle, motorized bicycle, or bicycle while such is parked upon the streets, alleys, or public parking areas.

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

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

## CHAPTER 47

### PARK REGULATIONS

47.01 Purpose

47.02 Use of Drives Required

47.03 Fires

47.04 Littering

47.05 Parks Closed

47.06 Camping

47.07 Animals

47.08 Motor Vehicles

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

*(Code of Iowa, Sec. 364.12)*

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

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

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

**47.05 PARKS CLOSED.** No person, except those camping in designated areas, shall enter or remain within any park between the hours of 10:30 p.m. and 6:00 a.m.

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

**47.07 ANIMALS.** No animals shall be allowed in any park.

**47.08 MOTOR VEHICLES.** No motor vehicles shall be allowed in any park.

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## CHAPTER 48

### RECREATION TRAILS REGULATIONS

**48.01 Designation**

**48.02 Fires**

**48.03 Littering**

**48.04 Camping**

**48.05 Animals**

**48.06 Motor Vehicles**

**48.07 Damage**

**48.01 DESIGNATION.** The following is hereby designated and established as a “recreational trail,” which is considered a public place as defined and/or used in this Code of Ordinances:

*That portion of the former Chicago, Milwaukee, St. Paul and Pacific Railway right-of-way situated in the City of Tama, Iowa, lying west of U.S. Highway 63, commencing at the north corporate limits and running thence south to Thirteenth Street.*

**48.02 FIRES.** No fires shall be built upon or adjacent to any recreational trail.

**48.03 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.

**48.04 CAMPING.** No person shall camp upon or adjacent to a recreational trail.

**48.05 ANIMALS.** No animals shall be allowed upon a recreational trail except for a dog that is under the control of the owner and is on a leash of six feet or less in length. The person in control of said dog shall pick up and lawfully dispose of any feces from said dog.

**48.06 MOTOR VEHICLES.** No motor vehicles shall be allowed upon a recreational trail except for authorized emergency vehicles, maintenance vehicles, and motorized wheelchairs.

**48.07 DAMAGE.** No person shall, by his or her own actions, or by the actions of any animal under said person’s control, damage any vegetation, the trail, or any improvement situated thereon or adjacent thereto and said person shall be fully responsible for the cost of repair or replacement of any such damages.

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## CHAPTER 49

# CHERRY LAKE REGULATIONS

**49.01 PERMITTED USES.** Use of Cherry Lake is subject to the following regulations:

1. Swimming is not permitted in Cherry Lake.
2. Alcohol shall not be possessed or consumed upon Cherry Lake or adjacent City property.
3. Any boat used or placed upon Cherry Lake shall not exceed 17 feet in length or have a gasoline motor attached to, in or upon said boat. Electric motors are allowed. This does not prohibit the use of remote controlled model boats not used for human occupancy.
4. Boat or surfboard having a sail or propelled by sail or wind shall be permitted upon Cherry Lake.
5. No tubes or other flotation devices shall be permitted upon Cherry Lake.
6. Any boat used or placed upon Cherry Lake must have a full bottom.
7. Any boat used or placed upon Cherry Lake must be of a size and type that can be launched upon and removed from the surface of Cherry Lake without use of a boat ramp.
8. No persons or boats shall be upon Cherry Lake or adjacent City property from dusk to dawn. Use of Cherry Lake and adjacent City property is limited to daylight hours unless fishing on shore or as part of a special event approved by the City.
9. No boats shall be allowed to remain upon Cherry Lake overnight. Owners and/or operators shall remove all boats at dusk.
10. Fishing is permitted in accordance with applicable State regulations.
11. Chapter 462A of the *Code of Iowa* governing Water Navigation Regulations is hereby incorporated by reference and made a part hereof.
12. No activities shall be allowed on the surface of the lake at such time as it is partially or completely covered with ice.

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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 that 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 that, 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.** Any and all putrid or decaying carcasses, flesh, fish, vegetables, entrails, offal, filth, or other unwholesome or offensive substances of any kind left, deposited, or existing upon any street, alley, private lot or ground or public place or in or about any vacant or occupied building, except when enclosed in a receptacle approved by this Code of Ordinances.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
6. **Obstructions to Traffic.** All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets or alleys in sufficient time to bring a motor vehicle driving at a reasonable speed to a full stop before the intersection is reached. **(See also Section 62.06)**
7. **Storing of Flammable Junk.** Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**



8. Air Pollution. Emission of dense smoke, noxious fumes, or fly ash.
9. Weeds, Brush. Dense growth of all weeds, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard.
10. Dutch Elm Disease. Trees infected with Dutch elm disease. **(See also Chapter 151)**
11. Airport Air Space. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
12. Houses of Ill Fame. Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the *Code of Iowa* or places resorted to by persons using controlled substances, as defined in Section 124.101 of the *Code of Iowa*, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.
13. Stagnant Water. Any accumulation of stagnant water.
14. Plant or Animal Matter. Failure to properly dispose of or quarantine plant or animal matter containing injurious pests or contagious disease.
15. Unauthorized Access. Failure to secure areas, buildings, or places against accidental or unauthorized access, where such access threatens the health or safety of citizens, and especially where such an area or place is an attraction to the immature citizen. Fences, railings and other guards shall be well built, kept in good repair, be at least 48 inches from top to ground and of adequate height to perform their function, and have no sharp points, spikes, hooks, projection, barbs or other devices that are in themselves hazardous; except that barbed wire may be used to enclose agricultural land.
16. Vermin and Pests. Any building or location which harbors vectors, vermin, or pests.
17. Cisterns. All open cisterns or cisterns with inadequate or improper and unsafe coverings, open basements, holes, trenches or other excavations not properly marked and without precautionary measures taken to prevent injury to the public.
18. Junk and Refuse. The depositing or keeping of junk and refuse such as, but not limited to, old lumber, tin, wire, cans, barrels, cartons, boxes, rags, tires, inner tubes, brush, grass and hedge clippings, rocks, bricks, cinders, scrap iron, buckets, tubs, window screens, glass, bottles, wastepaper, bedsprings, discarded furniture, cleanings and bedding from animal or fowl pens, improperly covered garbage and waste receptacles, old automobile parts, inoperable machinery or appliances.
19. Downspouts Causing Snow and Ice Accumulation. Any downspout, trough, eave, awning, or other device which causes snow or ice to accumulate on any public drive, road, alley, walk, or way in a way that creates a danger to persons or property.
20. Dead or Dying Trees. All trees or parts of trees which are dead, decayed, diseased, or dying.

21. **Decaying or Other Offensive Substances.** All putrid or decaying carcasses, flesh, fish, vegetables, entrails, offal filth, or other unwholesome or offensive substances of any kind left, deposited, or existing upon any street, alley, private lot or ground or public place or in or about any vacant or occupied building, except when enclosed in a receptacle approved by this Code of Ordinances.
22. **Unsound Accessory Structures.** All accessory structures, including detached garages, fences and walls, which are not structurally sound and in good repair.
23. **Exterior Surfaces in Dilapidated Condition.** All exterior surfaces, including (but not limited to) doors, door and window frames, cornices, porches and trim, which are not in good condition. Exterior wood surfaces, other than decay-resistant woods, which are not protected from the elements and decay by painting or other protective covering or treatment or which display peeling, flaking and chipped paint. Siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights, which are not weather resistant and water tight.
24. **Foundation Walls.** Foundation walls which are not plumb and free from open cracks and breaks and are not in such condition so as to prevent entry of rodents.
25. **Roof Drainage.** Roof and flashing which are not sound, tight and free from defects that admit rain. Roof drainage which is not adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts which are not in good repair and free from obstructions. Roof water which is discharged in a manner that creates a public nuisance.
26. **Overhanging Extensions.** Cornices, belt courses, corbels, terra cotta trim, wall facing, all canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similarly overhanging extensions which are not in good repair and properly anchored so as to be kept in a sound condition. Exposed surfaces of metal or wood which are not protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
27. **Inoperable or Dilapidated Vehicles.** Motor vehicles, trailers, boats, snowmobiles, campers, and any and all other vehicles required to be registered or titled by the State for use within the State, which do not meet all requirements for use on the public ways or are otherwise inoperable or in a dilapidated condition and not stored within an entirely enclosed complying building or other approved screening on a temporary basis, as approved in writing by the Building Official. Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is inoperable. Operable race cars currently being raced in sanctioned events and antique or classic vehicles actively involved in the process of restoration, not to include parts, are excepted from this subsection, subject to the following conditions:
  - A. Outside storage area must be hard surfaced and located in the rear yard area.
  - B. Vehicles must be covered with a commercial tarpaulin constructed especially for motor vehicles, sufficient in size to cover the entire vehicle.

- C. Only one such vehicle is permitted per property containing a legal building, structure, and/or use.
- 28. Snow and Ice on Sidewalks. All snow and ice not removed from public sidewalks within 48 hours after the snow and ice have ceased being deposited thereon. **(See also Chapter 136)**
- 29. Exterior Additions. Every exterior stairway, deck, porch and balcony and all appurtenances attached thereto and which are not maintained so as to structurally support the imposed loads.
- 30. Chimneys and Similar Appurtenances. All chimneys, cooling, towers, smoke stacks and similar appurtenances which are not maintained structurally safe and sound and in good repair. All exposed surfaces of metal or wood which are not protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- 31. Handrails and Guards. Every handrail and guard which is not firmly fastened and capable of supporting normally imposed loads and maintained in good condition.
- 32. Abandoned Appliances. Any abandoned or otherwise unattended refrigerator, icebox, or similar container with doors, outside of buildings and accessible to children.

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

- 1. Junk and Junk Vehicles **(See Chapter 51)**
- 2. Dangerous Buildings **(See Chapter 145)**
- 3. Storage and Disposal of Solid Waste **(See Chapter 105)**
- 4. 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: †
  - A. Description of Nuisance. A description of what constitutes the nuisance.
  - B. Location of Nuisance. The location of the nuisance.
  - C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
  - D. Reasonable Time. A reasonable time within which to complete the abatement.
  - E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.
2. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.  
*(Code of Iowa, Sec. 364.12[3h])*
3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.
4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The City shall assess the costs as provided in subsection 6 of this section after notice to the property owner under the applicable provisions of subsection 1 and 2, and the hearing as provided in subsection 3.  
*(Code of Iowa, Sec. 364.12[3h])*
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

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† **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.

such costs shall then be collected with, and in the same manner as, general property taxes.

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

7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds \$500.00, the City may permit the assessment to be paid in up to 10 annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

*(Code of Iowa, Sec. 364.13)*

8. Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

**50.07 MUNICIPAL INFRACTION ABATEMENT PROCEDURE.** In lieu of the abatement procedures set forth in Section 50.06, the requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Chapter 4 of this Code of Ordinances.

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## **CHAPTER 51**

### **JUNK AND JUNK VEHICLES**

#### **51.01 Definitions**

#### **51.04 Exceptions**

#### **51.02 Junk and Junk Vehicles Prohibited**

#### **51.05 Notice to Abate**

#### **51.03 Junk and Junk Vehicles a Nuisance**

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

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

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

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

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

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

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

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

1. Structure. A garage or other enclosed structure; or
2. Salvage Yard. An auto salvage yard or junk yard lawfully operated within the City.

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

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

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## CHAPTER 55

# ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.08 Annoyance or Disturbance
55.02 Animal Neglect	55.09 Vicious Dogs
55.03 Livestock Neglect	55.10 Rabies Vaccination
55.04 Abandonment of Cats and Dogs	55.11 Owner's Duty
55.05 Livestock	55.12 Confinement
55.06 At Large Prohibited	55.13 Animal Impoundment
55.07 Damage or Interference	

**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.
2. "Animal" means a nonhuman vertebrate.  
*(Code of Iowa, Sec. 717B.1)*
3. "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.
4. "Business" means any enterprise relating to any of the following:
  - A. The sale or offer for sale of goods or services.
  - B. A recruitment for employment or membership in an organization.
  - C. A solicitation to make an investment.
  - D. An amusement or entertainment activity.
5. "Fair" means any of the following:
  - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
  - B. An exhibition of agricultural or manufactured products.
  - C. An event for operation of amusement rides or devices or concession booths.
6. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa*.
7. "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)*



8. "Owner" means any person owning, keeping, sheltering or harboring an animal.
9. "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.

**55.02 ANIMAL NEGLECT.** It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means that causes unjustified pain, distress or suffering.

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

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

*(Code of Iowa, Sec. 717.2)*

**55.04 ABANDONMENT OF CATS AND DOGS.** A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

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

**55.05 LIVESTOCK.** It is unlawful for a person to keep livestock within the City except by written consent of the Council.

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

**55.07 DAMAGE OR INTERFERENCE.** It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

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

**55.09 VICIOUS DOGS.** It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it has attacked or bitten any person without provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner.

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

*(Code of Iowa, Sec. 351.33)*

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

*(Code of Iowa, Sec. 351.38)*

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

*(Code of Iowa, Sec. 351.39)*

**55.13 ANIMAL IMPOUNDMENT.**

1. City Dog Pound Facility. There is hereby established a facility for the prevention of cruelty to animals to be operated under the supervision of the Police Department for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals. Should the dog pound facility be full or should the Police Chief determine that the dog pound facility is not suitable for the keeping of an animal, said officer may contract with another pound which holds a certificate of registration from the Iowa Secretary of Agriculture.
2. Maintenance of Dog Pound Facility. The City Dog Pound Facility shall be subject to the requirement of obtaining a certificate of registration from the Iowa Secretary of Agriculture in accordance with Section 162.3 of the *Code of Iowa*, and said facility shall be maintained in accordance with the regulations established by the Department of Agriculture and Land Stewardship.
3. Right to Kill Untagged Dogs. It is lawful for any person and the duty of all peace officers within their jurisdiction to kill any dog for which a rabies vaccination tag is required when such dog is not wearing a collar with the rabies vaccination tag attached.
4. Right to Kill Tagged Dogs. It is lawful for any person to kill a dog wearing a collar with rabies vaccination tag attached when the dog is caught in the act of worrying, chasing, maiming, or killing any domestic animal or fowl, or when such dog is attacking or attempting to bite a person.
5. At Large: Impoundment. Animals not destroyed as provided in subsections 3 and 4 of this section which are found at large in violation of this chapter shall be seized and impounded at the impoundment facilities utilized by the City, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.
6. Disposition of Animals. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven days from

the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

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

7. Impounding Costs. Apprehended and/or impounded animals shall be subject to the payment of impoundment costs, including intake, housing and minimum fees in such amounts as the Council may fix and establish from time to time by resolution.

*(Code of Iowa, Sec. 351.37)*

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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 Reports of Traffic Accidents

60.06 Peace Officer's Authority

60.07 Obedience to Peace Officers

60.08 Parades Regulated

**60.01 TITLE.** Chapters 60 through 70 of this Code of Ordinances may be known and cited as the “Tama Traffic Code” (and are referred to herein as the “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 or portions thereof:
  - A. Third Street from Siegel Street to Harmon Street.
  - B. Fourth Street from Siegel Street to Harmon Street.
  - C. Siegel Street from Fifth Street to Second Street.
  - D. McClellan Street from Fifth Street to Second Street.
  - E. State Street from Fifth Street to South Second Street.
2. “Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
3. “Peace officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. “Residence district” means the territory contiguous to and including a highway not comprising a business, suburban or school district, where 40 percent or more of the frontage on such a highway for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business.
5. “School district” means the territory contiguous to and including a highway for a distance of 200 feet in either direction from a schoolhouse.
6. “Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
7. “Stop” means when required, the complete cessation of movement.
8. “Stop” or “stopping” means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid

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

9. “Suburban district” means all other parts of the City not included in the business, school, or residence districts.
10. “Traffic control device” means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.
11. “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

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

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

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

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

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

*(Code of Iowa, Sec. 321.273)*

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

*(Code of Iowa, Sec. 321.492)*

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

*(Code of Iowa, Sec. 321.229)*

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

1. “Parade” Defined. “Parade” means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
2. Permit Required. No parade shall be conducted without first obtaining a written permit from the Mayor or Police Chief. Such permit shall state the time and date for the parade to be held and the streets or general route

therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit.

3. Parade Not a Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.
4. Control by Police and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

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## CHAPTER 61

# TRAFFIC CONTROL DEVICES

### 61.01 Installation

### 61.04 Standards

### 61.02 Crosswalks

### 61.05 Compliance

### 61.03 Traffic Lanes

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

*(Code of Iowa, Sec. 321.255)*

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

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

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

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

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

*(Code of Iowa, Sec. 321.255)*

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

*(Code of Iowa, Sec. 321.256)*



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## CHAPTER 62

# GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations

62.02 Play Streets Designated

62.03 Vehicles on Sidewalks

62.04 Clinging to Vehicle

62.05 Quiet Zones

62.06 Obstructing View at Intersections

62.07 Engine Brakes 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.
28. Section 321.222 – Renting motor vehicle to another.
29. Section 321.223 – License inspected.
30. Section 321.224 – Record kept.
31. Section 321.232 – Speed detection jamming devices; penalty.
32. Section 321.234A – All-terrain vehicles.
33. Section 321.235A – Electric personal assistive mobility devices.
34. Section 321.247 – Golf cart operation on City streets.
35. Section 321.257 – Official traffic control signal.
36. Section 321.259 – Unauthorized signs, signals or markings.
37. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
38. Section 321.262 – Leaving scene of traffic accident prohibited – vehicle damage only – removal of vehicles..
39. Section 321.263 – Information and aid.
40. Section 321.264 – Striking unattended vehicle.
41. Section 321.265 – Striking fixtures upon a highway.
42. Section 321.266 – Reporting accidents.
43. Section 321.275 – Operation of motorcycles and motorized bicycles.
44. Section 321.276 – Use of electronic communication device while driving; text-messaging.
45. Section 321.277 – Reckless driving.
46. Section 321.277A – Careless driving.
47. Section 321.278 – Drag racing prohibited.
48. Section 321.281 – Actions against bicyclists.
49. Section 321.284 – Open container; drivers.
50. Section 321.284A – Open container; passengers.
51. Section 321.288 – Control of vehicle; reduced speed.
52. Section 321.295 – Limitation on bridge or elevated structures.
53. Section 321.297 – Driving on right-hand side of roadways; exceptions.

- 54. Section 321.298 – Meeting and turning to right.
- 55. Section 321.299 – Overtaking a vehicle.
- 56. Section 321.302 – Overtaking and passing.
- 57. Section 321.303 – Limitations on overtaking on the left.
- 58. Section 321.304 – Prohibited passing.
- 59. Section 321.306 – Roadways laned for traffic.
- 60. Section 321.307 – Following too closely.
- 61. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
- 62. Section 321.309 – Towing; convoys; drawbars.
- 63. Section 321.310 – Towing four-wheel trailers.
- 64. Section 321.312 – Turning on curve or crest of grade.
- 65. Section 321.313 – Starting parked vehicle.
- 66. Section 321.314 – When signal required.
- 67. Section 321.315 – Signal continuous.
- 68. Section 321.316 – Stopping.
- 69. Section 321.317 – Signals by hand and arm or signal device.
- 70. Section 321.318 – Method of giving hand and arm signals.
- 71. Section 321.319 – Entering intersections from different highways.
- 72. Section 321.320 – Left turns; yielding.
- 73. Section 321.321 – Entering through highways.
- 74. Section 321.322 – Vehicles entering stop or yield intersection.
- 75. Section 321.323 – Moving vehicle backward on highway.
- 76. Section 321.323A – Approaching certain stationary vehicles.
- 77. Section 321.324 – Operation on approach of emergency vehicles.
- 78. Section 321.324A – Funeral processions.
- 79. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
- 80. Section 321.330 – Use of crosswalks.
- 81. Section 321.332 – White canes restricted to blind persons.
- 82. Section 321.333 – Duty of drivers approaching blind persons.
- 83. Section 321.340 – Driving through safety zone.
- 84. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.
- 85. Section 321.342 – Stop at certain railroad crossings; posting warning.
- 86. Section 321.343 – Certain vehicles must stop.
- 87. Section 321.344 – Heavy equipment at crossing.
- 88. Section 321.344B – Immediate safety threat; penalty.

- 89. Section 321.354 – Stopping on traveled way.
- 90. Section 321.359 – Moving other vehicle.
- 91. Section 321.362 – Unattended motor vehicle.
- 92. Section 321.363 – Obstruction to driver's view.
- 93. Section 321.364 – Vehicles shipping food; preventing contamination by hazardous material.
- 94. Section 321.365 – Coasting prohibited.
- 95. Section 321.367 – Following fire apparatus.
- 96. Section 321.368 – Crossing fire hose.
- 97. Section 321.369 – Putting debris on highway.
- 98. Section 321.370 – Removing injurious material.
- 99. Section 321.371 – Clearing up wrecks.
- 100. Section 321.372 – School buses.
- 101. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
- 102. Section 321.381A – Operation of low-speed vehicles.
- 103. Section 321.382 – Upgrade pulls; minimum speed.
- 104. Section 321.383 – Exceptions; slow vehicles identified.
- 105. Section 321.384 – When lighted lamps required.
- 106. Section 321.385 – Head lamps on motor vehicles.
- 107. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
- 108. Section 321.387 – Rear lamps.
- 109. Section 321.388 – Illuminating plates.
- 110. Section 321.389 – Reflector requirement.
- 111. Section 321.390 – Reflector requirements.
- 112. Section 321.392 – Clearance and identification lights.
- 113. Section 321.393 – Color and mounting.
- 114. Section 321.394 – Lamp or flag on projecting load.
- 115. Section 321.395 – Lamps on parked vehicles.
- 116. Section 321.398 – Lamps on other vehicles and equipment.
- 117. Section 321.402 – Spot lamps.
- 118. Section 321.403 – Auxiliary driving lamps.
- 119. Section 321.404 – Signal lamps and signal devices.
- 120. Section 321.404A – Light-restricting devices prohibited.
- 121. Section 321.405 – Self-illumination.
- 122. Section 321.408 – Back-up lamps.
- 123. Section 321.409 – Mandatory lighting equipment.

- 124. Section 321.415 – Required usage of lighting devices.
- 125. Section 321.417 – Single-beam road-lighting equipment.
- 126. Section 321.418 – Alternate road-lighting equipment.
- 127. Section 321.419 – Number of driving lamps required or permitted.
- 128. Section 321.420 – Number of lamps lighted.
- 129. Section 321.421 – Special restrictions on lamps.
- 130. Section 321.422 – Red light in front.
- 131. Section 321.423 – Flashing lights.
- 132. Section 321.430 – Brake, hitch, and control requirements.
- 133. Section 321.431 – Performance ability.
- 134. Section 321.432 – Horns and warning devices.
- 135. Section 321.433 – Sirens, whistles, and bells prohibited.
- 136. Section 321.434 – Bicycle sirens or whistles.
- 137. Section 321.436 – Mufflers, prevention of noise.
- 138. Section 321.437 – Mirrors.
- 139. Section 321.438 – Windshields and windows.
- 140. Section 321.439 – Windshield wipers.
- 141. Section 321.440 – Restrictions as to tire equipment.
- 142. Section 321.441 – Metal tires prohibited.
- 143. Section 321.442 – Projections on wheels.
- 144. Section 321.444 – Safety glass.
- 145. Section 321.445 – Safety belts and safety harnesses; use required.
- 146. Section 321.446 – Child restraint devices.
- 147. Section 321.449 – Motor carrier safety regulations.
- 148. Section 321.449A – Rail crew transport drivers.
- 149. Section 321.449B – Texting or using a mobile telephone while operation a commercial motor vehicle.
- 150. Section 321.450 – Hazardous materials transportation.
- 151. Section 321.454 – Width of vehicles.
- 152. Section 321.455 – Projecting loads on passenger vehicles.
- 153. Section 321.456 – Height of vehicles; permits.
- 154. Section 321.457 – Maximum length.
- 155. Section 321.458 – Loading beyond front.
- 156. Section 321.460 – Spilling loads on highways.
- 157. Section 321.461 – Trailers and towed vehicles.
- 158. Section 321.462 – Drawbars and safety chains.

159. Section 321.463 – Maximum gross weight.
160. Section 321.465 – Weighing vehicles and removal of excess.
161. Section 321.466 – Increased loading capacity; reregistration.

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

*(Code of Iowa, Sec. 321.255)*

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

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

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

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

**62.07 ENGINE BRAKES AND COMPRESSION BRAKES.**

1. It is unlawful for the driver of any vehicle to use or operate (or for any person to cause to be used or operated) within the City any engine brake, compression brake, or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle, which results in excessive, loud, unusual, or explosive noise from such vehicle, except in response to an imminent traffic accident.
2. The usage of an engine brake, compression brake, or mechanical exhaust device designed to aid in braking or deceleration in such a manner so as to be audible at a distance of 200 feet from the motor vehicle shall constitute evidence of a *prima facie* violation of this section.
3. The scheduled fine for violation of this section is \$50.00.

## CHAPTER 63

### SPEED REGULATIONS

#### 63.01 General

#### 63.02 State Code Speed Limits

#### 63.03 Parks, Cemeteries, and Parking Lots

#### 63.04 Special Speed Zones

#### 63.05 Minimum Speed

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

*(Code of Iowa, Sec. 321.285)*

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

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

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

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

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

*(Code of Iowa, Sec. 321.290)*

1. Special 25 MPH Speed Zones. A speed in excess of 25 miles per hour is unlawful on any of the following designated streets or parts thereof.
  - A. State Street from 200 feet north of Fifth Street to 50 feet north of First Street.
2. Special 30 MPH Speed Zones. A speed in excess of 30 miles per hour is unlawful on any of the following designated streets or parts thereof.
  - A. Fifth Street from Jackson Street to U.S. Highway 30.
  - B. Thirteenth Street from State Street to Harding Street.



- C. Harding Street from 350 feet north of Thirteenth Street to Thirteenth Street.
  - D. State Street from Thirteenth Street to 200 feet north of Fifth Street.
  - E. From 1500 block of Harding to the north City limit line (when school zone sign is flashing).
3. Special 35 MPH Speed Zones. A speed in excess of 35 miles per hour is unlawful on any of the following designated streets or parts thereof.
- A. State Street from 50 feet north of First Street to 100 feet south of South Third Street.
4. Special 40 MPH Speed Zones. A speed in excess of 40 miles per hour is unlawful on any of the following designated streets or parts thereof.
- A. Harding Street from the north corporation line to 250 feet north of Thirteenth Street.
5. Special 45 MPH Speed Zones. A speed in excess of 45 miles per hour is unlawful on any of the following designated streets or parts thereof.
- A. A. L Avenue from U.S. Highway 30 to the south City limits.

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

*(Code of Iowa, Sec. 321.294)*

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## CHAPTER 64

### TURNING REGULATIONS

#### 64.01 Turning at Intersections

#### 64.03 Left Turn for Parking

#### 64.02 U-Turns

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

*(Code of Iowa, Sec. 321.311)*

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

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

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

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

1. At the intersection of Harmon Street and Third Street.
2. At the intersection of Ninth Street and State Street.
3. At the intersection of Third Street and Siegel Street.

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

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## CHAPTER 65

### STOP OR YIELD REQUIRED

65.01 Through Streets

65.02 Stop Required

65.03 Four-Way Stop Intersections

65.04 Yield Required

65.05 Stop Before Crossing Sidewalk

65.06 Stop When Traffic Is Obstructed

65.07 Yield to Pedestrians in Crosswalks

**65.01 THROUGH STREETS.** 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. U.S. Highway No. 63, from the south corporate limits to the north corporate limits.
2. Fifth Street from State Street to U.S. Highway No. 30.
3. U.S. Highway No. 30 from the east corporate limits to the west corporate limits.
4. McClellan Street from Thirteenth Street (U.S. Highway No. 63) to the north corporate limits.

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

*(Code of Iowa, Sec. 321.345)*

1. Eleventh Street. Vehicles traveling east on Eleventh Street shall stop at Park Street.
2. Sixth Street. Vehicles traveling on Sixth Street shall stop at Park Street.
3. Third Street. Vehicles traveling east on Third Street shall stop at Jackson Street.
4. Fourth Street. Vehicles traveling east on Fourth Street shall stop at Jackson Street.
5. Sixth Street. Vehicles traveling on Sixth Street shall stop at Jackson Street.
6. Seventh Street. Vehicles traveling on Seventh Street shall stop at Jackson Street.
7. First Street. Vehicles traveling east on First Street shall stop at Hall Street.
8. Second Street. Vehicles traveling west on Second Street shall stop at Siegel Street.
9. Third Street. Vehicles traveling on Third Street shall stop at Siegel Street.
10. Fourth Street. Vehicles traveling on Fourth Street shall stop at Siegel Street.
11. Fifth Street. Vehicles traveling on Fifth Street shall stop at Siegel Street.
12. Sixth Street. Vehicles traveling on Sixth Street shall stop at Siegel Street.

13. Seventh Street. Vehicles traveling on Seventh Street shall stop at Siegel Street.
14. Eighth Street. Vehicles traveling on Eighth Street shall stop at Siegel Street.
15. Seventh Street. Vehicles traveling on Seventh Street shall stop at Grant Street.
16. Ninth Street. Vehicles traveling east on Ninth Street shall stop at Harding Street.
17. Tenth Street. Vehicles traveling east on Tenth Street shall stop at Harding Street.
18. Eleventh Street. Vehicles traveling on Eleventh Street shall stop at Harding Street.
19. Twelfth Street. Vehicles traveling east on Twelfth Street shall stop at Harding Street.
20. Thirteenth Street. Vehicles traveling east on Thirteenth Street shall stop at Harding Street.
21. Eighth Street. Vehicles traveling east on Eighth Street shall stop at Harding Street.
22. Seventh Street. Vehicles traveling on Seventh Street shall stop at Harding Street.
23. Sixth Street. Vehicles traveling on Sixth Street shall stop at Harding Street.
24. Sixth Street. Vehicles traveling on Sixth Street shall stop at McClellan Street.
25. Seventh Street. Vehicles traveling on Seventh Street shall stop at McClellan Street.
26. Eighth Street. Vehicles traveling on Eighth Street shall stop at McClellan Street.
27. Tenth Street. Vehicles traveling east on Tenth Street shall stop at McClellan Street.
28. Eleventh Street. Vehicles traveling east on Eleventh Street shall stop at McClellan Street.
29. McClellan Street. Vehicles traveling on McClellan Street shall stop at Fourth Street.
30. McClellan Street. Vehicles traveling on McClellan Street shall stop at Third Street.
31. McClellan Street. Vehicles traveling on McClellan Street shall stop at Second Street.
32. Grant Street. Vehicles traveling north on Grant Street shall stop at Ninth Street.
33. Harding Street. Vehicles traveling on Harding Street shall stop at Ninth Street.
34. Siegel Street. Vehicles traveling on Siegel Street shall stop at Ninth Street.
35. Jackson Street. Vehicles traveling north on Jackson Street shall stop at Third Street.

36. Fifteenth Street. Vehicles traveling east on Fifteenth Street shall stop at State Street.
37. Sixteenth Street. Vehicles traveling east on Sixteenth street shall stop at State Street.
38. Seventeenth Street. Vehicles traveling east on Seventeenth Street shall stop at State Street.
39. Harmon Street. Vehicles traveling north on Harmon Street shall stop at Tenth Street.
40. Eleventh Street. Vehicles traveling east on Eleventh Street shall stop at Park Street.
41. Garfield Street. Vehicles traveling north on Garfield Street shall stop at Ninth Street.
42. Ninth Street. Vehicles traveling on Ninth Street shall stop at Jackson Street.
43. L Avenue. Vehicles traveling north on L Avenue shall stop at U.S. Highway 30.
44. Seymour Street. Vehicles traveling on Seymour Street shall stop at Fourteenth Street.
45. Overlook Drive. Vehicles traveling on Overlook Drive shall stop at Fourteenth Street.
46. Trojan Road. Vehicles traveling on Trojan Road shall stop at Fourteenth Street.
47. Iuka Drive. Vehicles traveling on Iuka Drive shall stop at Fourteenth Street.
48. Thirteenth Street. Vehicles traveling on Thirteenth Street shall stop at Country Club Drive.
49. Fourteenth Street. Vehicles traveling east on Fourteenth Street shall stop at Trojan Drive.
50. Washington Street. Vehicles traveling on Washington Street shall stop at Thirteenth Street.
51. Eleventh Street. Vehicles traveling on Eleventh Street shall stop at Siegel Street.
52. Harmon Street. Vehicles traveling South on Harmon Street shall stop at First Street.
53. Harmon Street. Vehicles traveling on Harmon Street shall stop at Third Street.
54. Harmon Street. Vehicles traveling on Harmon Street shall stop at Ninth Street.
55. Harmon Street. Vehicles traveling on Harmon Street shall stop at Eighth Street.
56. Oswego Street. Vehicles traveling on Oswego Street shall stop at Ninth Street.
57. Oswego Street. Vehicles traveling north on Oswego Street shall stop at Thirteenth Street.
58. Park Street. Vehicles traveling on Park Street shall stop at Ninth Street.

59. Park Street. Vehicles traveling north on Park Street shall stop at Thirteenth Street.
60. Jackson Street. Vehicles traveling north on Jackson Street shall stop at Ninth Street.
61. Jackson Street. Vehicles traveling south on Jackson Street shall stop at Thirteenth Street.
62. Sesame Drive. Vehicles traveling south on Sesame Drive shall stop at Thirteenth Street.
63. Iuka Drive. Vehicles traveling south on Iuka Drive shall stop at Thirteenth Street.
64. Trojan Road. Vehicles traveling south on Trojan Road shall stop at Thirteenth Street.
65. Overlook Drive. Vehicles traveling south on Overlook Drive shall stop at Thirteenth Street.
66. Taylor Drive. Vehicles traveling south on Taylor Drive shall stop at Fifth Street.
67. Thirteenth Street. Vehicles traveling on Thirteenth Street shall stop at Sesame Drive.
68. Hall Street. Vehicles traveling south on Hall Street shall stop at Ninth Street.
69. Wilson Street. Vehicles traveling north on Wilson Street shall stop at Ninth Street.

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

1. Intersection of McClellan Street and Ninth Street.
2. Intersection of Siegel Street and Ninth Street.
3. Intersection of McClellan Street and Fifth Street.
4. Intersection of Country Club Drive and Fourteenth Street.

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

(*Code of Iowa, Sec. 321.345*)

1. Grant Street. Vehicles traveling on Grant Street shall yield at Fifteenth Street.
2. Siegel Street. Vehicles traveling on Siegel Street shall yield at Fourteenth Street.
3. McClellan Street. Vehicles traveling on McClellan Street shall yield at First Street.
4. Harmon Street. Vehicles traveling on Harmon Street shall yield at Fourth Street.
5. Hall Street. Vehicles traveling on Hall Street shall yield at Third Street.
6. Oswego Street. Vehicles traveling on Oswego Street shall yield at Third Street.

7. Oswego Street. Vehicles traveling south on Oswego Street shall yield at Fourth Street.
8. Oswego Street. Vehicles traveling north on Oswego Street shall yield at Eleventh Street.
9. Park Street. Vehicles traveling south on Park Street shall yield at Third Street.
10. Park Street. Vehicles traveling on Park Street shall yield at Fourth Street.
11. Wilson Street. Vehicles traveling south on Wilson Street shall yield at Third Street.
12. Wilson Street. Vehicles traveling north on Wilson Street shall yield at Fourth Street.
13. Wilson Street. Vehicles traveling north on Wilson Street shall yield at Ninth Street.
14. Wilson Street. Vehicles traveling on Wilson Street shall yield at Eighth Street.
15. Beautiful Street. Vehicles traveling on Beautiful Street shall yield at Third Street.
16. Beautiful Street. Vehicles traveling on Beautiful Street shall yield at Fourth Street.
17. Sixth Street. Vehicles traveling on Sixth Street shall yield at Hall Street.
18. Sixth Street. Vehicles traveling on Sixth Street shall yield at Oswego Street.
19. Sixth Street. Vehicles traveling on Sixth Street shall yield at Garfield Street.
20. Sixth Street. Vehicles traveling on Sixth Street shall yield at Pershing Street.
21. Seventh Street. Vehicles traveling on Seventh Street shall yield at Harmon Street.
22. Seventh Street. Vehicles traveling on Seventh Street shall yield at Oswego Street.
23. Seventh Street. Vehicles traveling on Seventh Street shall yield at Garfield Street.
24. Tenth Street. Vehicles traveling on Tenth Street shall yield at Hall Street.
25. Twelfth Street. Vehicles traveling on Twelfth Street shall yield at Washington Street.
26. Seventh Street. Vehicles traveling west on Seventh Street shall yield at John Street.
27. Sixth Street. Vehicles traveling west on Sixth Street shall yield at John Street.
28. Tenth Street. Vehicles traveling west on Tenth Street shall yield at Siegel Street.
29. Sixth Street. Vehicles traveling on Sixth Street shall yield at Harmon Street.
30. Thomas Drive East. Vehicles traveling north on Thomas Drive East shall yield at Thirteenth Street.
31. Thomas Drive West. Vehicles traveling north on Thomas Drive West shall yield at Thirteenth Street.
32. Sixth Street. Vehicles traveling on Sixth Street shall yield at Grant Street.



33. Grant Street. Vehicles traveling south on Grant Street shall yield at Fourteenth Street.
34. Fourteenth Street. Vehicles traveling east on Fourteenth Street shall yield at State Street.
35. Tenth Street. Vehicles traveling on Tenth Street shall yield at Oswego Street.
36. Hall Street. Vehicles traveling on Hall Street shall yield at Fourth Street.
37. Seventh Street. Vehicles traveling on Seventh Street shall yield at Park Street.
38. Eighth Street. Vehicles traveling on Eighth Street shall yield at Park Street.
39. Eighth Street. Vehicles traveling west on Eighth Street shall yield at Jackson Street.
40. Pershing Street. Vehicles traveling north on Pershing Street shall yield at Seventh Street.
41. Wilson Street. Vehicles traveling on Wilson Street shall yield at Seventh Street.

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

*(Code of Iowa, Sec. 321.353)*

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

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

*(Code of Iowa, Sec. 321.327)*

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## CHAPTER 66

### LOAD AND WEIGHT RESTRICTIONS

#### 66.01 Temporary Embargo

#### 66.04 Load Limits on Bridges

#### 66.02 Permits for Excess Size and Weight

#### 66.05 Truck Routes

#### 66.03 Load Limits Upon Certain Streets

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

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

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

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

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

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

– NONE –

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

*(Code of Iowa, Sec. 321.471)*

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

1. Truck Routes Designated. Every motor vehicle weighing six tons or more, when loaded or empty, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon the following streets within the City and none other:

*(Code of Iowa, Sec. 321.473)*

- A. All U.S. and State Highways.
- B. Thirteenth Street from Harding Street to the west City limits.

2. Deliveries Off Truck Route. Any motor vehicle weighing six tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload, and return by the most direct route to its point of departure from said designated route.  
*(Code of Iowa, Sec. 321.473)*
3. Exception. The foregoing to the contrary notwithstanding, motor vehicles weighing not more than their legal, licensed limit, and carrying cargo to or from a business located within the City or within an area extending one mile beyond the City limits, may travel upon the following streets:
  - A. Fifth Street from State Street to Business Highway 30.
4. Employer's Responsibility. The owner or any other person employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.  
*(Code of Iowa, Sec. 321.473)*

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## **CHAPTER 67**

### **PEDESTRIANS**

#### **67.01 Walking in Street**

#### **67.03 Pedestrian Crossing**

#### **67.02 Hitchhiking**

#### **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. Alley between Third Street and Fourth Street shall be west bound only from Harmon Street to Siegel Street.

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## CHAPTER 69

# PARKING REGULATIONS

69.01 Park Adjacent to Curb	69.09 All Night Parking Prohibited
69.02 Parking on One-Way Streets	69.10 Truck Parking Limited
69.03 Angle Parking	69.11 Parking Limited to Fifteen Minutes
69.04 Manner of Angle Parking	69.12 Snow Emergency Regulations
69.05 Parking for Certain Purposes Illegal	69.13 Civic Center Southern Lot
69.06 Parking Prohibited	69.14 Civic Center Northern Lot
69.07 Persons With Disabilities Parking	69.15 Alternate Parking
69.08 No Parking Zones	69.16 City Parking Lot on Fourth Street

**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 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 PARKING ON ONE-WAY STREETS.** No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within 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. Third Street from Harmon Street to Siegel Street.
2. McClellan Street on the west side, from Fourth Street to Third Street.
3. Siegel Street, on the east side, from Ninth Street to Tenth Street.

**69.04 MANNER OF ANGLE PARKING.** Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle or the load thereon, when said vehicle is parked within a diagonal parking district, shall extend into the roadway more than a distance of 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 48 hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

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



1. Sale. Displaying such vehicle for sale.
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

**69.06 PARKING PROHIBITED.** No one shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. Crosswalk. On a crosswalk.  
*(Code of Iowa, Sec. 321.358[5])*
2. Center Parkway. On the center parkway or dividing area of any divided street.  
*(Code of Iowa, Sec. 321.236[1])*
3. Mailboxes. Within 20 feet on either side of a mailbox that is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.  
*(Code of Iowa, Sec. 321.236[1])*
4. Sidewalks. On or across a sidewalk.  
*(Code of Iowa, Sec. 321.358[1])*
5. Driveway. In front of a public or private driveway.  
*(Code of Iowa, Sec. 321.358[2])*
6. Intersection. Within an intersection or within 10 feet of an intersection of any street or alley.  
*(Code of Iowa, Sec. 321.358[3])*
7. Fire Hydrant. Within five feet of a fire hydrant.  
*(Code of Iowa, Sec. 321.358[4])*
8. Stop Sign or Signal. Within 10 feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.  
*(Code of Iowa, Sec. 321.358[6])*
9. Railroad Crossing. Within 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 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign posted.  
*(Code of Iowa, Sec. 321.358[9])*
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 50 feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than 25 sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.  
(*Code of Iowa, Sec. 321.360*)
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 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection do not apply to a vehicle parked in any alley that is 18 feet wide or less, provided that said vehicle is parked to deliver goods or services.  
(*Code of Iowa, Sec. 321.236[1]*)
16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.  
(*Code of Iowa, Sec. 321.358[15]*)
17. Area Between Lot Line and Curb Line. That area of the public way not covered by sidewalk and lying between the lot line and the curb line, where curbing has been installed.
18. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

**69.07 PERSONS WITH DISABILITIES PARKING.** The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the *Code of Iowa* and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.
2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:  
(*Code of Iowa, Sec. 321L.4[2]*)
  - A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit.
  - B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or

being transported in accordance with Section 321L.2[1b] of the *Code of Iowa*.

- C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the *Code of Iowa*.
3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:
    - A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A[1] of the *Code of Iowa* when utilizing a wheelchair parking cone.
    - B. A person shall not interfere with a wheelchair parking cone that is properly placed under the provisions of Section 321L.2A[1] of the *Code of Iowa*.
  4. Designated Areas. Parking for persons with disabilities is provided as follows:
    - A. One space on the north side of Third Street in the middle of the block bounded on the east by State Street and on the west by McClellan Street.
    - B. One space on the south side of Third Street in the middle of the block bounded on the east by State Street and on the west by McClellan Street.
    - C. One space on the south side of Third Street in the middle of the block bounded on the east by McClellan Street and on the west by Siegel Street.
    - D. Two spaces on the north side of Third Street immediately adjacent to its intersection with Siegel Street.
    - E. One space in the Civic Center northern lot.
    - F. One space in the City parking lot located in the block bounded on the south by Third Street, bounded on the north by Fourth Street, bounded on the west by State Street and on the east by Harmon Street.
    - G. One space on the south side of Third Street immediately west of and adjacent to its intersection with Harmon Street.

**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. Fourth Street, on the south side, from Harmon Street to State Street.
2. Fifth Street from State Street to U.S. Highway No. 30.
3. Tenth Street, on the south side, from State Street to Harmon Street and on the north side of Tenth Street from State Street to the east side of the driveway that is situated farthest to the east on Lot 3 of Ahlbrecht's Second Addition to the City of Tama, Iowa.
4. Siegel Street, on the west side, from Ninth Street to Tenth Street. Parking may be allowed during special school activities when requested by the school and subject to prior approval of the City.

5. State Street, on the east side, from the former Northwestern Railroad track, which is now the Union Pacific Railroad track, to Thirteenth Street except that parking shall be permitted as follows, subject to Section 69.09:
  - A. Five parking spaces south of the former site of the Chicago, Milwaukee, St. Paul and Pacific Railroad tracks and north of Fourth Street.
  - B. Three parking spaces south of Third Street and north of the former Northwestern Railroad track which is now the Union Pacific Railroad track.
6. State Street, on the west side from the former Northwestern Railroad track, which is now the Union Pacific Railroad track, to Thirteenth Street except that parking shall be permitted as follows, subject to Section 69.09:
  - A. Five parking spaces south of the former site of the Chicago, Milwaukee, St. Paul and Pacific Railroad tracks and north of Fourth Street.
  - B. Three parking spaces south of Fourth Street and north of the alley situated between Third Street and Fourth Street.
  - C. Two parking spaces north of Third Street and south of the alley situated between Third Street and Fourth Street.
  - D. Two parking spaces south of Third Street and north of the former Northwestern Railroad track which is now the Union Pacific Railroad track.
7. Thirteenth Street, from U.S. Highway 30 to west City limits.
8. Harding Street, on the east side, from Thirteenth Street to the north City limits.
9. Harding Street, on the west side, from Thirteenth Street to the north City limits.
10. State Street, on the west side, from the south City limits to the Northwestern Railroad track.
11. State Street, on the east side, from the south City limits to the Northwestern Railroad track. No parking shall be allowed within 10 feet of the curb. Provided, anyone parking on the west side of said street as aforesaid shall not park their vehicles within the distance indicated from the curb and shall not park their vehicles on any adjacent private property. Provided further, in parking in said area, no vehicle shall enter or exit therefrom over or across the adjacent State Street curb.
12. Tenth Street, on the north side, from Siegel Street to Central Street. Parking may be allowed during special school activities when requested by the school and subject to prior approval of the City.
13. McClellan Street, on the west side, from Sixteenth Street to Seventeenth Street.
14. State Street, on the west side, from Sixteenth Street to 150 feet north of Seventeenth Street.
15. Washington Street, from Ninth Street to Thirteenth Street.

16. L Avenue, from its intersection on the north with U.S. Highway 30 to the east City limits.
17. Country Club Drive from Thirteenth Street to the north line of Indian Hills Fourth Addition to Tama, Iowa, between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday during the regular school year.

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

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

1. Third Street from Harmon Street to Siegel Street.
2. Fourth Street from Harmon Street to Siegel Street.
3. State Street from Fifth Street to the Chicago - Northwestern Railroad tracks.
4. McClellan Street from Fifth Street to the Chicago - Northwestern Railroad tracks.
5. Siegel Street from Fifth Street to the Chicago - Northwestern Railroad tracks.

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

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

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

**69.11 PARKING LIMITED TO FIFTEEN MINUTES.** It is unlawful to park any vehicle for a continuous period of more than 15 minutes at the following designated places:

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

1. Post Office. Two spaces in front of the U.S. Post Office.

**69.12 SNOW EMERGENCY REGULATIONS.** The following regulations shall apply during a snow emergency:

1. A snow emergency is deemed to be in effect when there is an accumulation of two or more inches of snow upon the City's streets or upon a declaration of a snow emergency by the Mayor as provided herein.

2. The Mayor may declare a snow emergency to be in effect by issuing a verbal proclamation and by causing the same to be broadcast by any of the following:
  - A. Television Stations: KCRG, KWWL, or KGAN.
  - B. Radio Stations: KZAT or KFJB.
3. A snow emergency shall continue during the duration of the snow or ice storm and the 48-hour period after cessation of such storm, subject to the following exceptions:
  - A. The Mayor may terminate the snow emergency by issuing a verbal proclamation and by causing the same to be broadcast as provided in subsection 2 of this section.
  - B. The snow emergency shall terminate as to any street or portion thereof at such time as the same shall be fully cleared unless the Mayor shall declare the provisions of this paragraph to be suspended by issuing a verbal proclamation and by causing the same to be broadcast as provided in subsection 2 of this section.
4. The following streets or portions thereof are designated as snow routes, which shall be subject to priority clearance:
  - A. Harding Street from Fifth Street to Thirteenth Street.
  - B. Park Street from Third Street to Thirteenth Street.
  - C. Ninth Street from Business Highway 30 to Washington Street.
  - D. Fifth Street from Business Highway 30 to John Street.
5. During a snow emergency, it is unlawful for a person to park, abandon, or leave unattended any vehicle upon a snow route or upon such additional streets, alleys, or City-owned parking areas as the Mayor may designate by issuing a verbal proclamation and by causing the same to be broadcast as provided in subsection 2 of this section.
6. Vehicles parked, abandoned, or left unattended in violation of this section, in addition to any fine or other penalty, may be removed by towing upon orders of a peace officer and impounded. The cost of such towing and impoundment, including storage costs shall be assessed to and paid by the operator or registered owner of said vehicle as a condition of the release of said vehicle.

**69.13 CIVIC CENTER SOUTHERN LOT.** The following regulations for the Civic Center Southern Lot as designated herein are established:

1. Area Designated. The Civic Center Southern Lot comprises that portion of Third Street extending from its intersection with Siegel Street in a westerly direction, abutting the southern boundary of the Civic Center grounds to the western terminus of Third Street.
2. Regulations. Motor vehicles in the Civic Center Southern Lot shall be parked in the following manner:
  - A. The Police Chief is hereby authorized and directed to designate a portion of this area solely for the purpose of truck and bus parking. Said parking shall be parallel, to be located along the southern boundary of said parking lot and to comprise an area not in excess of

20 percent of the total parking area in said lot. For the purpose of this section, the limitation on the percentage of total parking area shall be derived by first dividing the parking lot area into standard size parking spaces for angle parking, computing the total number of spaces available and thereafter allocating a maximum of 20 percent of the available angle parking space area to bus and truck parking as provided herein.

- B. The speed of vehicles in this area shall not exceed 15 miles per hour.
- C. Automobile parking in the Civic Center Southern Lot shall be limited to angle parking.
- D. These regulations shall be in full force and effect when appropriate signs giving notice thereof are in place.
- E. No parking shall be allowed upon that portion of the parking area abutting the southern boundary of said lot between the hours of 2:00 a.m. to 6:00 a.m. on Sunday, Tuesday and Thursday.
- F. No parking shall be allowed upon that portion of the parking area abutting the northern boundary of said lot between the hours of 2:00 a.m. to 6:00 a.m. on Monday, Wednesday, Friday and Saturday.
- G. No persons shall enter upon or remain in the lot between the hours of 11:00 p.m. and 6:00 a.m. except while immediately engaged in parking or removing a motor vehicle from the lot or while entering into or exiting from a parked motor vehicle. All vehicles in said lot shall be legally parked in designated parking spaces.

**69.14 CIVIC CENTER NORTHERN LOT.** The following regulations for the Civic Center Northern Lot as designated herein are established:

- 1. Area Designated. The Civic Center Northern Lot comprises that portion of Fourth Street extending from its intersection with Siegel Street in a westerly direction, abutting the northern boundary of the Civic Center grounds to the western terminus of Fourth Street.
- 2. Regulations. Motor vehicles in the Civic Center Northern Lot shall be parked in the following manner:
  - A. The Police Chief is hereby authorized and directed to designate an area along the north boundary of said lot for parking by emergency vehicles only. Said parking to be parallel parking and not to exceed four parallel parking spaces. The remainder of said area along the northern boundary shall be public parking.
  - B. The parking area in said lot and located to the northwest of the fire station shall be reserved for ambulance and Fire Department personnel.
  - C. The remaining portion of said lot not specifically designated otherwise shall be reserved for parking by public employees and for individuals upon official business.
  - D. The speed of vehicles in this area shall not exceed 15 miles per hour.
  - E. Except as provided expressly otherwise herein, parking in the Civic Center Northern Lot shall be limited to angle parking.

- F. These regulations shall be in full force and effect when appropriate traffic signs giving notice thereof are in place.
- G. No parking shall be allowed upon that portion of the parking area designated for public parking and abutting the northern boundary of said lot between the hours of 2:00 a.m. and 6:00 a.m. on Sunday, Tuesday and Thursday.

**69.15 ALTERNATE PARKING.** Alternate parking is established on designated streets within the City as follows:

1. Alternate Parking Defined. Alternate parking means prohibiting the parking of vehicles on one side of designated streets on specified days while permitting parking of vehicles on the opposite side of such streets on specified days, to the end that on any given day the parking of vehicles will be allowed on only one side of the streets designated in this section.
2. Streets Designated. Alternate parking is hereby established on the following streets:
  - A. On Harmon Street from South First Street to Tenth Street.
  - B. On Hall Street from Second Street to Eleventh Street.
  - C. On Oswego Street from Third Street to Thirteenth Street.
  - D. On Park Street from Third Street to Thirteenth Street.
  - E. On Wilson Street from Third Street to Ninth Street.
  - F. On Beautiful Street from Third Street to Ninth Street.
  - G. On Garfield Street from Third Street to Ninth Street.
  - H. On McClellan Street from Sixth Street to Sixteenth Street.
  - I. On State Street from Thirteenth Street to Sixteenth Street.
  - J. On Siegel Street from Fifth Street to Ninth Street and from Tenth Street to Seventeenth Street.
  - K. On Grant Street from Fifth Street to Ninth Street and from Fourteenth Street to Seventeenth Street.
  - L. On Harding Street from Fifth Street to Thirteenth Street.
  - M. On Seymour Street from Fifth Street to Eighth Street and from Ninth Street to Fourteenth Street.
  - N. On South First Street from State Street to Hall Street.
  - O. On Third Street from Harmon Street to Jackson Street.
  - P. On Fourth Street from Harmon Street to Jackson Street.
  - Q. On Fifth Street from Siegel Street to John Street.
  - R. On Sixth Street from John Street to one block east of Pershing Street.
  - S. On Seventh Street from John Street to one block east of Pershing Street.
  - T. On Eighth Street from Grant Street to State Street, from Harmon Street to Garfield Street, from Jackson Street to one block east of Jackson Street and from John Street to Harding Street.



- U. On Ninth Street from Washington Street to Business Highway 30.
  - V. On Tenth Street from Washington Street to Harding Street; Central Street to McClellan Street and from Harmon Street to Park Street.
  - W. On Eleventh Street from Washington Street to McClellan Street and from State Street to Park Street.
  - X. On Twelfth Street from Oswego Street to Park Street.
  - Y. On Fourteenth Street from Harding Street to State Street.
  - Z. On Fifteenth Street from Harding Street to State Street.
  - AA. On Sixteenth Street from Harding Street to State Street.
  - BB. On Pershing Street from Fifth Street to Seventh Street.
  - CC. On Iuka Street from Thirteenth Street to Fourteenth Street.
  - DD. On Washington Street from Thirteenth Street to Fourteenth Street.
  - EE. On Jackson Street from Third Street to Ninth Street.
  - FF. On First Street from State Street to Hall Street.
  - GG. On Sesame Drive from Thirteenth Street to Fourteenth Street.
  - HH. On Overlook Drive from Thirteenth Street to Fourteenth Street.
  - II. On Fourteenth Street from Sesame Drive to U.S. Highway No. 63.
  - JJ. On John Street from Fifth Street to Eighth Street.
  - KK. On Harmon Street from Eighth Street to Ninth Street.
  - LL. Country Club Drive from Thirteenth Street to the north line of Indian Hills Fourth Addition to Tama, Iowa, other than during the hours specified as no parking in Section 69.08(20).
  - MM. On Eighth Street from State Street to Harmon Street.
3. When Prohibited. On the streets, or portions thereof, designated in subsection 2 of this section, parking shall be prohibited on Monday, Wednesday, Friday and Sunday on the south side of all streets running in an east-west direction and on the east side of all streets running in a north-south direction. Parking shall be prohibited on Tuesday, Thursday and Saturday on the north side of all streets running in an east-west direction and on the west side of all streets running in a north-south direction. The parking prohibited herein shall be between the hours of 9:00 a.m. on the date designated for no parking until 9:00 a.m. on the following day.
  4. Signs or Markings Indicating Alternate Parking. The Police Chief shall be responsible for erecting appropriate signs giving notice of the days and time when parking shall be prohibited on the sides of the streets designated herein, and these regulations shall not be effective unless signs are erected and in place at the time of any alleged offense under this section. When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

**69.16 CITY PARKING LOT ON FOURTH STREET.** The following regulations for the City Parking Lot on Fourth Street between State Street and Harmon Street are established:

1. Area Designated. Said lot shall comprise all of that area owned by the City abutting Fourth Street between State Street and Harmon Street, other than streets and alleys.
2. Regulations. Motor vehicles in such lot shall be parked in the following manner:
  - A. Parking shall be in designated parking areas only.
  - B. No parking shall be allowed upon the east half of said lot between the hours 2:00 a.m. to 6:00 a.m. on Sunday, Tuesday and Thursday.
  - C. No parking shall be allowed upon the west half of said lot between the hours of 2:00 a.m. to 6:00 a.m. on Monday, Wednesday, Friday and Saturday.
  - D. The speed of vehicles in said lot shall not exceed 15 miles per hour.
  - E. No persons shall enter upon or remain in the lot between the hours of 8:00 p.m. and 6:00 a.m. except while immediately engaged in parking or removing a motor vehicle from the lot or while entering into or exiting from a parked motor vehicle.

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## CHAPTER 70

# TRAFFIC CODE ENFORCEMENT PROCEDURES

### 70.01 Arrest or Citation

### 70.02 Scheduled Violations

### 70.03 Parking Violations: Alternate

### 70.04 Parking Violations: Vehicle Unattended

### 70.05 Presumption in Reference to Illegal Parking

### 70.06 Impounding Vehicles

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

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

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

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

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

**70.03 PARKING VIOLATIONS: ALTERNATE.** Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of \$20.00 for all violations except improper use of a persons with disabilities parking permit. If such fine is not paid within 10 days, it shall be increased by \$5.00. The simple notice of a fine for improper use of a persons with disabilities parking permit is \$100.00.

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

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

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

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

**70.06 IMPOUNDING VEHICLES.** A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.  
*(Code of Iowa, Sec. 321.236[1])*
2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.  
*(Code of Iowa, Sec. 321.236[1])*
3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.
4. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, the owner shall be given an opportunity to remove the vehicle.  
*(Code of Iowa, Sec. 321.236[1])*
5. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing and storage.  
*(Code of Iowa, Sec. 321.236[1])*

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## CHAPTER 75

# ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of Snowmobiles

75.05 Operation of All-Terrain Vehicles

75.06 Negligence

75.07 Accident Reports

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

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

1. “All-terrain vehicle” or “ATV” means a motorized vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

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

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

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

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

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

A. “Off-road utility vehicle – type 1” includes vehicles with a total dry weight of 1,200 pounds or less and a width of 50 inches or less.

B. “Off-road utility vehicle – type 2” includes vehicles, other than type 1 vehicles, with a total dry weight of 2,000 pounds or less and a width of 65 inches or less.

C. “Off-road utility vehicle – type 3” includes vehicles with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

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

4. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48

inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

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

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

*(Code of Iowa, Ch. 321G & Ch. 321I)*

**75.04 OPERATION OF SNOWMOBILES.** The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles shall be operated only upon streets that have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

*(Code of Iowa, Sec. 321G.9[4a])*

2. Other Streets. Snowmobiles may be operated upon streets within the City for the sole and exclusive purpose of using the most direct roadway for the ingress to and egress from the City. No snowmobile shall be driven on any roadway solely for entertainment or pleasure.

3. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

- A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

*(Code of Iowa, Sec. 321G.9[4c])*

- B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

- (1) The crossing is made at an angle of approximately 90 degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

- (2) The snowmobile is brought to a complete stop before crossing the street;

- (3) The driver yields the right-of-way to all on-coming traffic that constitutes an immediate hazard; and

- (4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

*(Code of Iowa, Sec. 321G.9[2])*

4. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

*(Code of Iowa, Sec. 321G.13[1h])*

5. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.  
(*Code of Iowa, Sec. 321G.9[4ff]*)
6. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.
7. Private Property. No snowmobile shall be operated upon private property without the express consent of the owner thereof.
8. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.
9. Thaw Ban. Snowmobiles shall not be operated during a publicized thaw ban in areas posted to prohibit such operation.
10. Dead Man Throttle. No snowmobile shall be operated within the City unless equipped with a “dead man throttle,” which, when pressure is removed from the accelerator or throttle, causes the engine to be disengaged from the drive mechanism.

**75.05 OPERATION OF ALL-TERRAIN VEHICLES.** The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. ATVs and off-road utility vehicles may be operated on streets only in accordance with Section 321.234A of the *Code of Iowa* or on such streets as may be designated by resolution of the Council for the operation of registered ATVs or registered off-road utility vehicles. In designating such streets, the Council may authorize ATVs and off-road utility vehicles to stop at service stations or convenience stores along a designated street.  
(*Code of Iowa, Sec. 321I.10[1 & 3]*)
2. Trails. ATVs shall not be operated on snowmobile trails except where designated.  
(*Code of Iowa, Sec. 321I.10[4]*)
3. Railroad Right-of-Way. ATVs shall not be operated on an operating railroad right-of-way. An ATV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.  
(*Code of Iowa, Sec. 321I.14[1h]*)
4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.
5. Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking.”
6. Direct Crossing. An all-terrain vehicle or off-road utility vehicle may make a direct crossing of a highway provided all of the following occur:  
(*Code of Iowa, Sec. 321I.10[5]*)



- A. A. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
- B. B. The all-terrain vehicle or off-road utility vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.
- C. C. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.
- D. D. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.
- E. E. The crossing is made from a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city to a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city.

**75.06 NEGLIGENCE.** The owner and operator of an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV or snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV or snowmobile at the time the injury or damage occurred.

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

**75.07 ACCIDENT REPORTS.** Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to \$1,500.00 or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

*(Code of Iowa, Sec. 321G.10 & 321I.11)*

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## CHAPTER 76

# BICYCLE REGULATIONS

**76.01 Scope of Regulations**

**76.02 Traffic Code Applies**

**76.03 Double Riding Restricted**

**76.04 Two Abreast Limit**

**76.05 Speed**

**76.06 Emerging from Alley or Driveway**

**76.07 Carrying Articles**

**76.08 Riding on Sidewalks**

**76.09 Towing**

**76.10 Improper Riding**

**76.11 Parking**

**76.12 Equipment Requirements**

**76.13 Special Penalty**

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

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

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

*(Code of Iowa, Sec. 321.234)*

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

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

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

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

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

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

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

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

**76.07 CARRYING ARTICLES.** No person operating a bicycle shall carry any package, bundle or article that prevents the rider from keeping at least one hand upon the handlebars.  
*(Code of Iowa, Sec. 321.236[10])*

**76.08 RIDING ON SIDEWALKS.** The following provisions apply to riding bicycles on sidewalks:

1. Business District. No person shall ride a bicycle upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.  
*(Code of Iowa, Sec. 321.236[10])*
2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.  
*(Code of Iowa, Sec. 321.236[10])*
3. Yield Right-of-Way. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.  
*(Code of Iowa, Sec. 321.236[10])*

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

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

**76.11 PARKING.** No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.  
*(Code of Iowa, Sec. 321.236[10])*

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

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front emitting a white light visible from a distance of at least 300 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear, except that a red reflector on the rear, of a type that is visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of a rear light.  
*(Code of Iowa, Sec. 321.397)*
2. Brakes Required. Every bicycle shall be equipped with a brake that will enable the operator to make the braked wheel skid on dry, level, clean pavement.  
*(Code of Iowa, Sec. 321.236[10])*
3. Signal Device Required. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with—nor shall any person use upon a bicycle—any siren or whistle.

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

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

## **CHAPTER 77**

### **GOLF CARTS**

**77.01 OPERATION OF GOLF CARTS.** Any person possessing a valid driver's license may operate a golf cart on City streets in the manner allowed and subject to the terms and conditions set forth in Section 321.247 of the *Code of Iowa*, which is hereby adopted and incorporated herein by reference.

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## CHAPTER 80

### ABANDONED VEHICLES

**80.01 Definitions**

**80.02 Authority to Take Possession of Abandoned Vehicles**

**80.03 Notice by Mail**

**80.04 Notification in Newspaper**

**80.05 Fees for Impoundment**

**80.06 Disposal of Abandoned Vehicles**

**80.07 Disposal of Totally Inoperable Vehicles**

**80.08 Proceeds from Sales**

**80.09 Duties of Demolisher**

**80.01 DEFINITIONS.** For use in this chapter, the following terms are defined:  
(*Code of Iowa, Sec. 321.89[1] & Sec. 321.90*)

1. “Abandoned vehicle” means any of the following:
  - A. A vehicle that has been left unattended on public property for more than 48 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 15 days.
  - 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 30 days. However, a police authority may declare the vehicle abandoned within the 30-day period by commencing the notification process.
  - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
  - F. A vehicle that has been impounded pursuant to Section 321J.4B of the *Code of Iowa* by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. “Demolisher” means a person licensed under Chapter 321H of the *Code of Iowa* whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.
3. “Garage keeper” means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.
4. “Police authority” means the Iowa State Patrol or any law enforcement agency of a county or city.

**80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES.** A police authority, upon the authority’s own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private

property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity that is a garage keeper to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

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

**80.03 NOTICE BY MAIL.** The police authority or private entity that takes into custody an abandoned vehicle shall notify, within 10 days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within 14 days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90 of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the 10-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the 10-day reclaiming period.

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

**80.04 NOTIFICATION IN NEWSPAPER.** If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 80.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

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



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

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

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

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

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

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

**80.08 PROCEEDS FROM SALES.** Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing, and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for 90 days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

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

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

*(Code of Iowa, Sec. 321.90[3a])*

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## CHAPTER 81

# RAILROAD REGULATIONS

### 81.01 Definitions

### 81.03 Crossing Maintenance

### 81.02 Obstructing Streets

### 81.04 Speed

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

1. “Operator” means any individual, partnership, corporation or other association that owns, operates, drives, or controls a railroad train.
2. “Railroad train” means an engine or locomotive, with or without cars coupled thereto, operated upon rails.

*(Code of Iowa, Sec. 321.1)*

**81.02 OBSTRUCTING STREETS.** Operators shall not operate any train in such a manner as to prevent vehicular use of any highway, street or alley for a period of time in excess of 10 minutes except:

*(Code of Iowa, Sec. 327G.32)*

1. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.
2. Avoid Striking. When necessary to avoid striking any object or person on the track.
3. Disabled. When the train is disabled.
4. Safety Regulations. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.
5. In Motion. When the train is in motion except while engaged in switching operations.
6. No Traffic. When there is no vehicular traffic waiting to use the crossing.

An employee is not guilty of a violation of this section if the employee’s action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Guilt is then with the railroad corporation.

**81.03 CROSSING MAINTENANCE.** Operators shall construct and maintain good, sufficient, and safe crossings over any street traversed by their rails.

*(Bourett vs. Chicago & N.W. Ry. 152 Iowa 579, 132 N.W. 973 [1943])*

*(Code of Iowa, Sec. 364.11)*

**81.04 SPEED.** It is unlawful to operate any railroad train through any street crossing within the platted areas of the City at a speed greater than 25 miles per hour.

*(Girl vs. United States R. Admin., 194 Iowa 1382, 189 N.W. 834, [1923])*

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## CHAPTER 90

# WATER SERVICE SYSTEM

90.01 Definitions	90.11 Installation of Water Service Pipe
90.02 Superintendent's Duties	90.12 Responsibility for Water Service Pipe
90.03 Mandatory Connections	90.13 Failure to Maintain
90.04 Abandoned Connections	90.14 Curb Valve
90.05 Permit	90.15 Interior Valve
90.06 Fee for Permit and Connection Charge	90.16 Inspection and Approval
90.07 Compliance with Plumbing Code	90.17 Completion by the City
90.08 Plumber Required	90.18 Shutting Off Water Supply
90.09 Excavations	90.19 Operation of Curb Valve and Hydrants
90.10 Tapping Mains	90.20 Residential Landscaping and Garden Water Service

**90.01 DEFINITIONS.** The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Combined service account" means a customer service account for the provision of two or more utility services.
2. "Customer" means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
3. "Superintendent" means the Superintendent of the City water system or any duly authorized assistant, agent or representative.
4. "Water main" means a water supply pipe provided for public or community use.
5. "Water service pipe" means the pipe from the water main to the building served.
6. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

**90.02 SUPERINTENDENT'S DUTIES.** The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

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

**90.03 MANDATORY CONNECTIONS.** The owners of any houses, buildings or structures used for human occupancy, employment or use, situated within the City and

abutting on any street, alley or right-of-way in which there is located a public water main are hereby required to connect such facilities to the City's public water system in accordance with the provisions of these Water Service chapters within 60 days after the date of official notice to do so, provided that said public water main is located within 500 feet of the property line of such owner.

**90.04 ABANDONED CONNECTIONS.** When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be 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 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 FEE FOR PERMIT AND CONNECTION CHARGE.** Before any permit is issued the person who makes the application shall pay \$10.00 to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.

*(Code of Iowa, Sec. 384.84)*

**90.07 COMPLIANCE WITH PLUMBING CODE.** The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the *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 accordance 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 inches or less in diameter shall receive no larger than a three-fourths 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 18 inches apart. No main shall be tapped nearer than two 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 shall be standard weight Type K copper through one inch from the main to the curb box. From the curb box to the building, water service pipes shall be Type K copper or high density polyethylene plastic with 140 psi rating iron pipe size used with stainless steel inserts and compression fittings. For water service pipes above one inch, the entire service may be Type K copper or high density polyethylene plastic with 140 psi rating iron pipe size used with inserts and compression fittings. Tracer wire shall be installed with plastic pipe. 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 main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe. Any excavation of any street or alley must comply with Section 135.09 of this Code of Ordinances.

**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 24 hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

**90.18 SHUTTING OFF WATER SUPPLY.** The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

**90.19 OPERATION OF CURB VALVE AND HYDRANTS.** It is unlawful for any person except the Superintendent to turn water on at the curb valve, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

**90.20 RESIDENTIAL LANDSCAPING AND GARDEN WATER SERVICE.** Water service for residential landscaping and gardening shall be provided by the City and shall require the use of a residential landscaping and garden meter, which meters shall be limited to 10 and made available on a first-come, first-serve basis, subject to the following terms and conditions:

1. Residential landscape and garden meters shall be made available commencing April 1 of each year and shall be returned to the City by the person receiving the same on or before October 31 of the same year.
2. Residential landscape and garden meters shall be used only on the premises for which they were issued.
3. Only one meter shall be issued to any person or premises.
4. Any person receiving a residential landscape and garden meter shall pay a \$100.00 deposit, which deposit may be used by the City to repair any damage to said meter or to replace a damaged meter as the City may, in its sole discretion, determine, which shall be in addition to any penalties for the violation of this section.
5. Upon return of a residential landscape and garden meter in undamaged condition, on or before October 31 of the year in which the same was issued, the person to whom the meter was issued shall be entitled to receive a refund of a portion of the sewer service charge paid by that person during the period the residential landscape and garden meter was in use by said person, computed as follows: the current per-1,000 gallons sewer service charge paid by said person for the premises upon which and during the period the residential landscape and garden meter was used, multiplied by the number of thousand gallons of water shown as used through said residential landscape and garden meter upon the premises for which the meter was issued and during the period for which it was issued.

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## CHAPTER 91

### WATER METERS

91.01 Purpose	91.06 Meter Costs
91.02 Water Use Metered	91.07 Meter Repairs
91.03 Fire Sprinkler Systems; Exception	91.08 Right of Entry
91.04 Location of Meters	91.09 Accuracy Test
91.05 Meter Setting	

**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 Superintendent.

**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 other open, unmetered connection shall be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

**91.04 LOCATION OF METERS.** All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing. For multiple meter installations, meters shall be installed in one location or at such multiple locations as the Superintendent may determine.

**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 at a price equal to the City's current price plus shipping and handling, 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.

**91.09 ACCURACY TEST.** The Superintendent shall make a test of the accuracy of any water meter at any time when requested in writing, but not more often than once in 18 months. Such request shall be accompanied by a refundable deposit of \$25.00, guaranteeing payment

of costs if found due. If the meter is found to overrun to the extent of two percent or more, the cost of the test shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy but not for longer than three months, plus the meter test deposit. If the meter is found to be accurate or slow, or less than two percent fast, the customer deposit shall be forfeited as the reasonable costs of the test, and the customer shall be liable for any deficiency over two percent, up to three months. The City will change or replace any meter upon request and payment of a fee in the amount of \$25.00.

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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**

**92.01 SERVICE CHARGES.** Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

*(Code of Iowa, Sec. 384.84)*

**92.02 RATES FOR SERVICE.** Water service shall be furnished at the following monthly rates within the City:

*(Code of Iowa, Sec. 384.84)*

Gallons Used Per Month	Rate
First 2,000 gallons	\$15.78 (minimum bill)
All over 2,000 gallons	\$3.60 per 1,000 gallons

Commencing July 1, 2017, and on each July 1 thereafter, said rates shall be increased by two percent over the rate then in effect.

**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 one and one-half times 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.

*(Code of Iowa, Sec. 364.4 & 384.84)*

**92.04 BILLING FOR WATER SERVICE.** Water service shall be billed as part of a combined service account, payable in accordance with the following:

*(Code of Iowa, Sec. 384.84)*

1. **Bills Issued.** The Clerk shall prepare and issue bills for combined service accounts each month.
2. **Bills Payable.** Bills for combined service accounts shall be due and payable at the office of the Clerk by the fifteenth day of the following month.
3. **Late Payment Penalty.** For each monthly notification of a delinquent bill, there shall be added to said bill such sums as the City Council may from time to time establish by resolution for the reasonable cost of serving said notice.

4. Multiple Unit Premises. Where a premises is divided into separate units, apartments, buildings or connections, whether or not owned or controlled by the same person or entity, and whether served through multiple meters or a single common meter, each unit, apartment, building, or connection shall pay for water service as a separate and distinct customer, as follows:
  - A. Where each unit, apartment, building or connection is served through a separate meter, the charge for each unit, apartment, building or connection for water service shall be based on the water usage measured by the meter for said unit, apartment, building, or connection times the applicable rate as determined by reference to Section 92.02.
  - B. Where service to the premises is through one or more common meters, each unit, apartment, building or connection will be charged at least the minimum charge provided in Section 92.02. Water usage over and above the minimum times the number of units, apartments, buildings or connections will be charged an amount equal to the second step as provided in Section 92.02.
  - C. Each unit, apartment, building or connection shall pay a sum for water service at least equal to the minimum charge provided in Section 92.02.

**92.05 SERVICE DISCONTINUED.** Water service to delinquent customers shall be discontinued or disconnected 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 or disconnected 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 or disconnection.
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. The City Clerk shall notify each delinquent consumer that water services will be discontinued or disconnected if payment, including any charge for notification of delinquent bill and/or non-sufficient fund charge, is not received within 15 days of the date when due. Such notice shall be sent by ordinary mail within five days of a bill becoming delinquent. Any consumer receiving such a notice may request a hearing before the hearing board which shall be comprised of two person chosen at the discretion of the City from among the Mayor, the City Council Representative and the City Clerk, provided said consumer shall file a written request therefore with the City Clerk within five days of the date of mailing of said notice. The filing of a request for hearing shall stay the termination of water service pending said appeal which hearing shall be held within five business days of the date of the

filing of the request. The decision of the hearing board shall be final and shall be issued at the time of hearing.

4. Shut Off. The Superintendent shall shut off the supply of water to the following consumers:
  - A. A. To any consumer who, not having contested the amount billed in good faith, has failed to make payment by the date specified in the notice of deficiency.
  - B. B. To any consumer who has failed to pay any sum ordered by the hearing board within two days of said hearing
5. Water Service Restored. Water service shall not be restored to a delinquent consumer until all delinquent bills, including any charge for notification of delinquent bill and non-sufficient fund charge, shall be paid in full.
6. Fees. A turn on fee shall be charged before service is restored to a delinquent consumer as follows:
  - A. A. When service is restored during the hours of 8:00 a.m. through 4:00 p.m. Monday through Friday except holidays - \$100.00.
  - B. B. When service is restored between the hours of 4:00 p.m. and 8:00 a.m. (Monday through Friday), and holidays, or weekends - \$200.00.

**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 property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

**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.
4. **Mobile Homes, Modular Homes, and Manufactured Homes.** A lien for nonpayment of utility services described in subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

**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.** There shall be required from every customer not the owner of the premises served a \$100.00 deposit intended to guarantee the payment of bills for combined services.

*(Code of Iowa, Sec. 384.84)*

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## CHAPTER 95

# SANITARY SEWER SYSTEM

95.01 Purpose	95.06 Service Outside the City
95.02 Definitions	95.07 Right of Entry
95.03 Superintendent	95.08 Use of Easements
95.04 Prohibited Acts	95.09 Special Penalties
95.05 Sewer Connection Required	

**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. “Ammonia Nitrogen” means nitrogen that exists as an ammonium ion or ammonia.
2. “Approving Authority” means the City Council or its duly authorized agent or representative.
3. “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 days at 20 degrees C, expressed in milligrams per liter or parts per million.
4. “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.
5. “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.
6. “Chlorine Requirement” means the amount of chlorine, in mg/l, which must be added to sewage to produce a residual chlorine as specified in the Iowa Pollutant Discharge Elimination System (NPDES) permit.
7. “Combined sewer” means a sewer receiving both surface run-off and sewage.
8. “Compatible Pollutants” means BOD, suspended solids, phosphorus, nitrogen, pH, or fecal coliform bacteria, plus additional pollutants identified in the City’s NPDES permit for its wastewater treatment facility; provided that such facility is designed treat such additional pollutants and, in fact, does remove such pollutants to a substantial degree.
9. “Customer” means any person responsible for the production of domestic, commercial, or industrial waste that is directly or indirectly discharged into the public sewer system.

10. "Debt Service costs" means the annual principal and interest requirements of outstanding issues of long-term debt.
11. "Depreciation expenses" means all expenses associated with the operation and maintenance of the wastewater collection and treatment facilities. Operation and maintenance expenses also include replacement costs.
12. "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
13. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
14. "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.
15. "National Pollutant Discharge Elimination System (NPDES) Permit" is a document issued by the State of Iowa which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.
16. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
17. "Nitrogen" means Kjeldahl nitrogen which is the sum of organic nitrogen and ammonia nitrogen.
18. "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 15 persons (1,500 gpd) or less.
19. "Operation and Maintenance Costs" includes all costs associated with the operation and maintenance of the wastewater treatment facilities, including administration and replacement costs, all as determined from time to time by the City.
20. "Person" means any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.
21. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
22. "Phosphorus" means total phosphorus and is expressed in mg/l of P (phosphorus).
23. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
24. "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.
25. "Sanitary sewer" means a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
26. "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.



27. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.
28. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.
29. “Sewer” means a pipe or conduit for carrying sewage.
30. “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.
31. “Slug” means any discharge of water, sewage, or industrial waste that in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.
32. “Storm drain” or “storm sewer” means a sewer that carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
33. “Superintendent” means the Superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.
34. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and that are removable by laboratory filtering.
35. “Unpolluted water” means water quality equal to or better than the effluent of the wastewater treatment facilities or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.
36. “Wastewater” means the spent water of a community or person. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.
37. “Wastewater Collection Facilities (or wastewater collection system)” means the structures for treating wastewater and sludge. Also referred to as the wastewater treatment plan.
38. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

**95.03 SUPERINTENDENT.** The Superintendent shall exercise the following powers and duties:

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

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.
3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

**95.04 PROHIBITED ACTS.** No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the sewer system.  
(Code of Iowa, Sec. 716.1)
2. Surface Run-Off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain that is connected directly or indirectly to a public sanitary sewer.
3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.
4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.
5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.  
(Code of Iowa, Sec. 364.12[3ff])
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[3ff])

**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 60 days after date of official notice from the City to do so provided that said public sewer is located within 200 feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer. Any excavation of any street must comply with Section 135.09 of this Code of Ordinances.

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



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## CHAPTER 96

### BUILDING SEWERS AND CONNECTIONS

96.01 Permit	96.07 Sewer Tap
96.02 Permit Fee and Connection Charge	96.08 Inspection Required
96.03 Plumber Required	96.09 Property Owner's Responsibility
96.04 Excavations	96.10 Abatement of Violations
96.05 Connection Requirements	96.11 Appeals
96.06 Interceptors Required	

**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 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 AND CONNECTION CHARGE.** The person who makes the application shall pay a fee in the amount of \$210.00 for residential and commercial customers or \$310.00 for industrial customers to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition, all costs and expenses incident to the installation and connection of the building sewer shall be borne by the person making the connection.

**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* and applicable rules and regulations of the City. 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 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 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 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 inch per foot.
  - B. Minimum grade of one-eighth inch per foot.
  - C. Minimum velocity of two 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 feet of any bearing wall that 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 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 underground 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 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])*

**96.11 APPEALS.** Any user, permit application, or permit holder affected by any decision, action, or determination made by the Council interpreting, enforcing or implementing the provisions of this chapter or in any permit issued herein, may file with the Council a written request for hearing before the Council within 20 days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The action appealed from shall be stayed pending determination of such appeal. A fee of \$50.00 shall accompany any appeal to the Council for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant. The appeal shall be heard by the Council within 30 days after the date of filing.

## 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 of Superintendent

97.06 Special Facilities

97.07 Control Manholes

97.08 Testing of Wastes

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

**97.02 SURFACE WATERS EXCEPTION.** Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to 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 milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Excessive B.O.D., Solids or Flow.

- A. Any waters or wastes: (i) having a five-day biochemical oxygen demand greater than 300 parts per million by weight; or (ii) containing more than 350 parts per million by weight of suspended solids; or (iii) having an average daily flow greater than two percent of the average sewage flow of the City, shall be subject to the review of the Superintendent.
- B. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to: (i) reduce the biochemical oxygen demand to 300 parts per million by weight; or (ii) reduce the suspended solids to 350 parts per million by weight; or (iii) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

**97.04 RESTRICTED DISCHARGES.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

- 1. High Temperature. Any liquid or vapor having a temperature higher than 150 degrees F (65 degrees C).
- 2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.
- 3. Viscous Substances. Water or wastes containing substances that may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 degrees to 65 degrees 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 inch in any dimension.
- 5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
- 6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- 7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by the Superintendent as necessary, after treatment of the

- composite sewage, to meet the requirements of State, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
8. **Radioactive Wastes.** Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or federal regulations.
  9. **Excess Alkalinity.** Any waters or wastes having a pH in excess of 9.5.
  10. **Unusual Wastes.** Materials that exert or cause:
    - A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
    - B. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
    - C. Unusual B.O.D., chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
    - D. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
  11. **Noxious or Malodorous Gases.** Any noxious or malodorous gas or other substance that, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
  12. **Damaging Substances.** Any waters, wastes, materials, or substances that react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.
  13. **Untreatable Wastes.** Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

The Council may require each person who discharges or seeks to discharge industrial wastes to a public sewer to prepare and file with the Council, at such times as it determines, a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the wastewater treatment facilities. In the case of a new connection, the Council may require that this report be prepared prior to making connection to the public sewers.

**97.05 RESTRICTED DISCHARGES; POWERS OF SUPERINTENDENT.** 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.

No person shall cause or permit a discharge into the sanitary sewers that would cause a violation of the City's NPDES permit and any modifications thereof.

**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; Application; Fee

98.05 Inspection Required

98.06 Discharge Restrictions

98.07 Maintenance of System

98.08 Systems Abandoned

98.09 Disposal of Septage

98.10 Minimum Lot Area

**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; APPLICATION; FEE.** No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the City. The application for the permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as deemed necessary by the City. A permit and inspection fee shall be paid to the City at the time the application is filed, as follows:

1. Residential and Commercial - \$210.00
2. Industrial - \$310.00

**98.05 INSPECTION REQUIRED.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City. The City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection, which shall be before any underground portions are covered.

**98.06 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])*

**98.07 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.

**98.08 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 at the City sewer main and filled with suitable material. The City of Tama requires that the opening be covered with mesh followed by hydraulic concrete. The Sewer Superintendent must be contacted and onsite when the sewer is being capped.

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

**98.09 DISPOSAL OF SEPTAGE.** No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

**98.10 MINIMUM LOT AREA.** No permit shall be issued for any on-site wastewater treatment and disposal system employing sub-surface soil absorption facilities where the area of the lot is less than 43,560 square feet.

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## CHAPTER 99

### SEWER SERVICE CHARGES

99.01 Sewer Service Charges Required

99.02 Reassignment of Sewer Users

99.03 Special Rates

99.04 Private Water Systems

99.05 Payment of Bills

99.06 Lien for Nonpayment

99.07 Special Agreements Permitted

**99.01 SEWER SERVICE CHARGES REQUIRED.** Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount of water consumed as follows:

*(Code of Iowa, Sec. 384.84)*

1. Rate.
  - A. Category A. The sewer service charge for Category A sewer users is as follows: fixed monthly charge of \$11.49 plus a volume charge of \$5.30 per 1,000 gallons.
  - B. Category B. The sewer service charge for Category B sewer users is as follows:
    - (1) Fixed monthly charge of \$10.40 plus a volume charge of \$4.80 per 1,000 gallons.
    - (2) Surcharge.

BOD greater than 250 mg/L = \$0.32 / lb.

Suspended Solids greater than 230 mg/L = \$0.17 / lb.

Ammonia Nitrogen greater than 32 mg/L = \$1.16 / lb.
2. Rate Adjustment. Commencing July 1, 2013, and on each July 1 thereafter, said rates shall be increased by two percent over the rate then in effect.

The sewer service charge shall be computed in accordance with the formula presented below:

$$T = FM + (V \times C) + (.00834V \times B \times C_B) + (.00834V \times S \times C_S) + (.00834V \times N \times C_N)$$

Where:

T = Total sewer service charge

FM = Fixed monthly charge

B = Concentration of BOD in mg/L in the wastewater above 250 mg/L

S = Concentration of suspended solids in mg/L in the wastewater above 230 mg/L

N = Concentration of ammonia nitrogen in mg/L in the wastewater above 32 mg/L

V = Wastewater volume in 1,000 gallons

C = Cost per 1,000 gallons

C<sub>B</sub> = Cost per pound of BOD

C<sub>S</sub> = Cost per pound of suspended solids

C<sub>N</sub> = Cost per pound of ammonia nitrogen

.00834 = Conversion factor



The above formula shall not be construed to give credits for a waste strength less than domestic concentrations for BOD or suspended solids.

**99.02 REASSIGNMENT OF SEWER USERS.** The Council will reassign sewer users into appropriate sewer service charge categories if wastewater sampling or other related information indicates a change of categories is necessary.

**99.03 SPECIAL RATES.** Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.01 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution.

*(Code of Iowa, Sec. 384.84)*

**99.04 PRIVATE WATER SYSTEMS.** Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the City either by an estimate agreed to by the customer or by metering the water system at the customer's expense. Any negotiated or agreed-upon sales or charges shall be subject to approval of the Council.

*(Code of Iowa, Sec. 384.84)*

**99.05 PAYMENT OF BILLS.** All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Sewer service may be discontinued or disconnected in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

**99.06 LIEN FOR NONPAYMENT.** Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

**99.07 SPECIAL AGREEMENTS PERMITTED.** No statement in these chapters shall be construed as preventing a special agreement, arrangement, or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate, and cost as established by the Council.

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## CHAPTER 105

### SOLID WASTE CONTROL

105.01 Purpose	105.07 Littering Prohibited
105.02 Definitions	105.08 Toxic and Hazardous Waste
105.03 Sanitary Disposal Required	105.09 Waste Storage Containers
105.04 Health and Fire Hazard	105.10 Prohibited Practices
105.05 Open Burning Restricted	105.11 Sanitary Disposal Project Designated
105.06 Separation of Yard Waste Required	

**105.01 PURPOSE.** The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection is to provide for the sanitary storage, collection, and disposal of solid waste and recycling and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

**105.02 DEFINITIONS.** For use in these chapters the following terms are defined:

1. “Collector” means any person authorized to gather solid waste from public and private places.
2. “Discard” means to place, cause to be placed, throw, deposit, or drop.  
*(Code of Iowa, Sec. 455B.361[1])*
3. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities that are used or are intended to be used for living, sleeping, cooking, and eating.
4. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.  
*(IAC, 567-100.2)*
5. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.  
*(IAC, 567-20.2[455B])*
6. “Litter” means any garbage, rubbish, trash, refuse, waste materials, or debris not exceeding 10 pounds in weight or 15 cubic feet in volume. Litter includes but is not limited to empty beverage containers, cigarette butts, food waste packaging, other food or candy wrappers, handbills, empty cartons, or boxes.  
*(Code of Iowa, Sec. 455B.361[2])*
7. “Owner” means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

8. "Refuse" means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.  
(IAC, 567-100.2)
9. "Residential premises" means a single-family dwelling and any multiple-family dwelling.
10. "Residential waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes and any locally recyclable goods or plastics.  
(IAC, 567-20.2[455B])
11. "Rubbish" means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.  
(IAC, 567-100.2)
12. "Sanitary disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.  
(IAC, 567-100.2)
13. "Sanitary disposal project" means all facilities and appurtenances (including all real and personal property connected with such facilities) that are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources.  
(Code of Iowa, Sec. 455B.301)
14. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:  
(Code of Iowa, Sec. 455B.301)
  - A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.
  - B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.
  - C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.
  - D. Petroleum contaminated soil that has been remediated to acceptable State or federal standards.
  - E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

**105.03 SANITARY DISPOSAL REQUIRED.** It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a

nuisance. Any such accumulation remaining on any premises for a period of more than 30 days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

*(Code of Iowa, Ch. 657)*

**105.04 HEALTH AND FIRE HAZARD.** It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

**105.05 OPEN BURNING RESTRICTED.** No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

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

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.  
*(IAC, 567-23.2[3a])*
2. Trees and Tree Trimmings. The open burning of trees and tree trimmings, and yard waste at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.  
*(IAC, 567-23.2[3b])*
3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.  
*(IAC, 567-23.2[3c])*
4. Yard Waste. The disposal by open burning of yard waste originating on the premises, only at such times and upon such conditions as the Council may establish from time to time by resolution. However, the burning of yard waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite yard waste. At no time shall the burning of grass clippings be allowed. No accelerant of any type shall be used to start or maintain burning leaves.  
*(IAC, 567-23.2[3d])*
5. Recreational Fires. Open fires for cooking, heating, recreation, and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.  
*(IAC, 567-23.2[3e])*
6. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in firefighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.  
*(IAC, 567-23.2[3g])*

7. **Agricultural Structures.** The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.  
*(IAC, 567-23.2[3i])*
8. **Controlled Burning of a Demolished Building.** The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.  
*(IAC, 567-23.2[3j])*
9. **Variance.** Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.  
*(IAC, 567-23.2[2])*

**105.06 SEPARATION OF YARD WASTE REQUIRED.** All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted or burned on the premises in accordance with Section 105.05(4) of this chapter, or placed in acceptable containers and set out for collection.

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

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

**105.08 TOXIC AND HAZARDOUS WASTE.** No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources. As used in this section, “toxic and hazardous waste” means waste materials, including (but not limited to) poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials, and similar harmful waste that requires special handling and that must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

*(IAC, 567-100.2)*

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

**105.09 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 are reusable, portable containers or heavy-duty disposable garbage bags, shall be of not less than 20 gallons or more than 35 gallons in nominal capacity, and shall be leak-proof and waterproof. The total weight of any container and contents shall not exceed 75 pounds. Disposable containers shall be kept securely fastened and shall be of sufficient strength to maintain integrity when lifted, and reusable containers shall be in conformity with the following:

- (1) Be fitted with a fly-tight lid that shall be kept in place except when depositing or removing the contents of the container.
- (2) Have handles, bails, or other suitable lifting devices or features.
- (3) Be of a type originally manufactured for the storage of residential waste with tapered sides for easy emptying.
- (4) Be of lightweight and sturdy construction.

Galvanized metal containers, rubber or fiberglass containers, and plastic containers that do not become brittle in cold weather may be used.

- B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premises where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.
2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained and fully accessible to collection equipment, public health personnel, and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.
3. Storage of Yard Waste. All yard waste shall be stored in clear plastic bags and placed in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. Tree limbs less than four inches in diameter and brush shall be securely tied in bundles not larger than 48 inches long and 18 inches in diameter when not placed in storage containers. The weight of any individual bag, bundle or container shall not exceed 75 pounds.
4. 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.
5. Nonconforming Containers. Solid waste placed in containers that are not in compliance with the provisions of this section will not be collected.

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

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.
2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.
3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid, or gaseous combustible refuse is ignited and burned efficiently, and from which the solid

residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

4. Scavenging. Take or collect any solid waste that has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

**105.11 SANITARY DISPOSAL PROJECT DESIGNATED.** The sanitary landfill facilities operated by the Tama County Landfill Commission are hereby designated as the official public sanitary disposal project for the disposal of solid waste produced or originating within the City.

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## CHAPTER 106

### COLLECTION OF SOLID WASTE

**106.01 Collection Service**

**106.02 Collection Vehicles**

**106.03 Loading**

**106.04 Frequency of Collection**

**106.05 Bulky Rubbish**

**106.06 Right of Entry**

**106.07 Collector's License**

**106.08 Disposal Project Fees**

**106.01 COLLECTION SERVICE.** The collection of solid waste within the City shall be only by collectors licensed by the City.

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

*(IAC, 567-104.9[455B])*

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

**106.04 FREQUENCY OF COLLECTION.** All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week. All solid waste collected for recycling, which shall consist only of recyclable materials such as metal, cardboard, paper, plastic, and glass, shall be collected from premises as frequently as may be necessary, but not less than once every two weeks.

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

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

**106.07 COLLECTOR'S LICENSE.** No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than waste produced by that person within the City without first obtaining from the City an annual license in accordance with the following:

1. Application. Application for a solid waste collector's license shall be made to the Clerk and provide the following:
  - A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.



- B. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.
  - C. Collection Program. A complete description of the frequency, routes and method of collection and transportation to be used.
  - D. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.
2. Insurance. No collector's license shall be issued until and unless the applicant, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:  
  
Bodily Injury: .....\$100,000.00 per person.  
                              \$1,000,000.00 per occurrence.  
  
Property Damage:.....\$ 50,000.00

Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the City of the expiration, cancellation or other termination of coverage not less than 10 days prior to the effective date of such action.

3. License Fee. A license fee in the amount of \$25.00 per fiscal year (prorated quarterly) shall accompany the application. In the event the requested license is not granted, the fee paid shall be refunded to the applicant.
4. License Issued. If the Council upon investigation finds the application to be in order and determines that the applicant will collect, transport, process, or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the requested license shall be issued to be effective for a period of one year from the date approved.
5. License Renewal. An annual license may be renewed simply upon payment of the required fee, provided the applicant agrees to continue to operate in substantially the same manner as provided in the original application, and provided the applicant furnishes the Clerk with a current listing of vehicles, equipment, and facilities in use.
6. License Not Transferable. No license authorized by this chapter may be transferred to another person.
7. Owner May Transport. Nothing herein is to be construed so as to prevent the owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project.
8. Grading or Excavation Excepted. No license or permit is required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities; however, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported spills upon any public right-of-way.

**106.08 DISPOSAL PROJECT FEES.** There shall be collected for the partial cost to the City of being a participating governmental member in the Tama County Sanitary Landfill the sum of \$3.50 per month from each residence, apartment, and commercial establishment situated within the City. The fee shall be payable monthly and shall be added to and made a part of the bill for water service and may be collected in the same manner as provided for the collection of bills for water service. Payment of said disposal project fee shall be mandatory, whether or not the Tama County Sanitary Landfill is used, either directly or indirectly, by the person or entity responsible for said bill.

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## CHAPTER 110

### NATURAL GAS FRANCHISE

#### 110.01 Grant of Franchise

#### 110.04 Standards of Service

#### 110.02 Indemnification

#### 110.05 Nonexclusive Franchise

#### 110.03 Excavations

**110.01 GRANT OF FRANCHISE.** There is hereby granted to INTERSTATE POWER AND LIGHT COMPANY, hereinafter referred to as the “Company,” its successors and assigns, the right, franchise and privilege for the term expiring on November 4, 2019<sup>†</sup>, to lay down, maintain and operate the necessary pipes, mains and other conductors and appliances in, along and under the streets, avenues, alleys and public places in the City, as now or hereafter constituted, for the purpose of distributing, supplying, and selling gas to the City and the residents thereof and to persons and corporations beyond the limits thereof; said franchise also includes the right of eminent domain as provided in Section 364.2 of the *Code of Iowa*. The term “gas” as used in this franchise shall be construed to mean natural gas only.

**110.02 INDEMNIFICATION.** The mains and pipe of the Company must be so placed as not to unnecessarily interfere with water pipes, drains, sewers and fire plugs which have been or may hereafter be placed in any street, alley and public places in said City 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 said Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the laying down, operation and maintenance of said natural gas distribution system.

**110.03 EXCAVATIONS.** In making any excavations in any street, alley, avenue or public place, the Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, shall back fill all openings in such manner as to prevent settling or depressions in surface, and shall replace the surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical and if defects are caused shall repair the same.

**110.04 STANDARDS OF SERVICE.** Said Company, its successors and assigns, shall throughout the term of the franchise distribute to all consumers gas of good quality and shall furnish uninterrupted service, except as interruptible service may be specifically contracted for with consumers; provided, however, any prevention of service caused by fire, act of God or unavoidable event or accident shall not be a breach of this condition if the Company resumes service as quickly as is reasonably practical after the happening of the act causing the interruption.

**110.05 NONEXCLUSIVE FRANCHISE.** The franchise granted by this chapter shall not be exclusive.

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<sup>†</sup> **EDITOR’S NOTE:** Ordinance No. 504 adopting a natural gas franchise for the City, was passed and adopted by the Council on August 4, 2003

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## CHAPTER 111

### ELECTRIC FRANCHISE

#### 111.01 Franchise Granted

#### 111.02 Construction; Maintenance; Indemnification

#### 111.03 Meters; Service Lines

#### 111.04 System Requirements

#### 111.05 Nonexclusive

#### 111.06 Service Provided

#### 111.07 Term of Franchise

**111.01 FRANCHISE GRANTED.** There is hereby granted to the IES UTILITIES INC., 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 the City with electric light, heat and power for the period of 25 years<sup>†</sup>; the franchise also includes the right of eminent domain as provided in Section 364.2 of the *Code of Iowa*.

**111.02 CONSTRUCTION; MAINTENANCE; INDEMNIFICATION.** 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 the 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 and 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 METERS; SERVICE LINES.** 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.

**111.04 SYSTEM REQUIREMENTS.** The system authorized by this chapter shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of the City and the inhabitants thereof and shall be kept in a modern up-to-date condition.

**111.05 NONEXCLUSIVE.** The franchise granted by this chapter shall not be exclusive.

**111.06 SERVICE PROVIDED.** Service to be rendered by the Company under the franchise shall be continuous unless prevented 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.

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<sup>†</sup> **EDITOR’S NOTE:** Ordinance No. 447, adopting an electric franchise for the City, was passed and adopted on July 5, 1994.

**111.07 TERM OF FRANCHISE.** The term of the franchise granted by this chapter and the rights granted thereunder shall continue for the period of 25 years from and after its acceptance by the Company.

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## CHAPTER 115

# CEMETERY

### 115.01 Definition

### 115.02 Trusteeship

### 115.03 Cemetery Sexton Appointed

### 115.04 Duties of Sexton

### 115.05 Records

### 115.06 Sale of Interment Rights

### 115.07 Establishment of Trust Fund

### 115.08 Perpetual Care Registry

### 115.09 Cemetery Regulations

**115.01 DEFINITION.** The term “cemetery” means the Oak Hill Cemetery, which is a municipal cemetery under the provisions of Chapter 523I of the *Code of Iowa* and which shall be operated under the provisions of Chapter 523I of the *Code of Iowa* and this chapter.

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

**115.02 TRUSTEESHIP.** Pursuant to Section 523I.502 of the *Code of Iowa*, the City hereby states its willingness and intention to act as the trustee for the perpetual maintenance of interment spaces in Oak Hill Cemetery.

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

**115.03 CEMETERY SEXTON APPOINTED.** The Council shall appoint a Cemetery Sexton, who shall operate the cemetery in accordance with applicable rules and regulations and under the direction of the Council.

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

**115.04 DUTIES OF SEXTON.** The duties of the Cemetery Sexton are as follows:

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

1. Supervise Openings. Supervise the opening of all graves and be present at every interment in the cemetery.
2. Maintenance. Be responsible for the maintenance of the cemetery buildings, grounds and equipment and report any major problems to the Public Works Director.

**115.05 RECORDS.** It is the duty of the Clerk to make and keep complete records identifying the owners of all interment rights sold by the cemetery and historical information regarding any transfers of ownership. The records shall include all of the following:

*(Code of Iowa, Sec. 523I.311)*

1. Sales or Transfers of Interment Rights.
  - A. The name and last known address of each owner or previous owner of interment rights.
  - B. The date of each purchase or transfer of interment rights.
  - C. A unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the cemetery.
2. Interments.
  - A. The date the remains are interred.



- B. The name, date of birth, and date of death of the decedent interred, if those facts can be conveniently obtained.
- C. A unique numeric or alphanumeric identifier that identifies the location of each interment space where the remains are interred.

**115.06 SALE OF INTERMENT RIGHTS.** The sale or transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by the Iowa Cemetery Act, including the amount or percentage of money to be placed in the perpetual care cemetery fund.

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

**115.07 ESTABLISHMENT OF TRUST FUND.** A perpetual trust is hereby established for Oak Hill Cemetery in accordance with *Code of Iowa* Chapter 523I, the Iowa Cemetery Act. A restricted fund is created, to be known and designated as the Perpetual Care Cemetery Fund, which shall be funded by the deposit of an amount equal to or greater than 20 percent of the gross selling price, or \$50.00, whichever is more, for each grave space sold within the cemetery. The fund shall be administered in accordance with the purposes and provisions of Chapter 523I of the *Code of Iowa*. The Perpetual Care Cemetery Fund shall be maintained separate from all operating funds of the cemetery and the principal of the fund shall not be reduced voluntarily except as specifically permitted by the Iowa Cemetery Act and applicable administrative regulations.

**115.08 PERPETUAL CARE REGISTRY.** The cemetery shall maintain a registry of individuals who have purchased interment rights in the cemetery, subject to the care fund requirements of the Iowa Cemetery Act, including the amounts deposited in the Perpetual Care Cemetery Fund.

**115.09 CEMETERY REGULATIONS.** The purpose of this section is to provide rules and regulations for the operation, maintenance, and preservation of cemeteries within the City.

1. **Damaging Lots or Removing Flowers.** No person shall be allowed to trample on lots, pick flowers, or remove plants except the owner of the same.
2. **Decorations and Ornaments.** All decorations and ornaments shall be on a permanent concrete foundation, permanent vases or concrete urns and/or monuments. Only one single hook metal shepherds cane will be allowed per monument, if placed directly at the base of the foundation. No other substitutes will be permitted. Decorations will be removed and disposed of when left on the grass, except that decorations and ornaments may be on the lawn grass two weeks before Memorial Day and will be removed by the Cemetery Sexton two weeks after Memorial Day. Anytime decorations are left on the foundation that hinder the mowing or trimming of the cemetery, the Cemetery Sexton shall remove the same. All tin cans, tin foil, glass containers or like objects, rocks, shells, wood chips or birdhouses are not allowed.
3. **Graves to Be Level.** No grave after having fully settled shall be allowed to remain over three inches above the general surface of the lot, and no abrupt sides are allowed.
4. **Cars and Trucks Restricted.** No automobile or truck driver shall be allowed to drive over lots.

5. Digging of Graves. All graves shall be dug by the Cemetery Sexton, unless consent is otherwise given, in which case, the grave and lot must be left in perfect order according to the Sexton's methods.
6. Foundations. All foundations shall be installed by a qualified concrete contractor approved by the Cemetery Sexton and all work shall be done under the supervision of the Sexton, shall be subject to the Sexton's approval, and shall satisfy the following requirements:
  - A. All exposed portions of the foundation shall be covered with a precast concrete foundation top, three to four inches thick.
  - B. Foundations shall satisfy one of the following design standards:
    - (1) A solid concrete foundation with a depth as follows:
      - a. Monuments with a base not exceeding 48 inches in length shall have a foundation depth of 30 inches.
      - b. Monuments with a base greater than 48 inches in length but less than 61 inches in length shall have a foundation depth of 36 inches.
      - c. Monuments with a base greater than 60 inches in length shall have a foundation depth of 42 inches.
    - (2) A solid concrete foundation with a depth of 18 inches resting upon a minimum of three pairs of concrete pillars, six inches in diameter and equally spaced, with a pair of pillars not less than six inches from each end of the monument and 48 inches in depth, which pillars shall each be tied with two reinforcing rods to the solid concrete foundation. Provided, the number of pairs of concrete pillars shall be increased as necessary so that the distance between pairs of pillars shall not exceed 15 inches.
  - C. Foundations not installed in accordance with the foregoing requirements are subject to removal at the owner's expense upon direction of the Cemetery Sexton.
  - D. The Cemetery Sexton may, in the case of non-standard monuments, and for good cause shown, in the Sexton's discretion, grant such variance from the foregoing requirements as the Sexton shall determine.
7. Footstones. Footstones are not allowed in any part of the cemetery. All monuments must be three inches from line of lots on aisles, except where lots are terraced in the Original Cemetery. Headstones must be on lots facing aisles. In order to have monumental work and masonry set properly, the management reserves the right to stop all construction and erection between November 1 and April 1.
8. Surface Vaults. No surface vaults are allowed.
9. Urns. Only one small concrete urn shall be allowed per lot, which shall be placed on the side of the monument. No tile urns are permitted. No birdbaths or benches are allowed unless approved by the Cemetery Sexton and the members of the Oak Hill Cemetery Association.
10. Planting Restrictions. All plantings shall be subject to the approval of the Cemetery Sexton. All unauthorized plantings shall be removed. No thorny decorations are allowed.

11. Curbs and Private Lot Markers. All curbs and private lot corner markers except corner markers that are in exact position and at ground level shall be removed and are hereafter prohibited from the cemetery.
12. Temporary Markers. All temporary markers shall be removed within six months after their placement unless they are placed at ground level.
13. Guns and Bicycles. All guns and bicycles are prohibited from the cemetery unless used in connection with a funeral.
14. Baby Land. All Baby Land markers shall be kept at ground level.
15. Terracing Prohibited. The City reserves the right to prohibit the terracing of lots or parts of lots in Oak Hill Cemetery.
16. Animals. No animals are allowed in any cemetery.
17. Closing Hours. No person shall enter or remain in any cemetery between the hours of 8:00 p.m. and 8:00 a.m.
18. Digging Restricted. Sod or ground on grave lots shall not be dug or disturbed without permission of the Sexton.
19. Reservation for Adult Single Graves. All of the south half of Block Fifteen west of the drive shall be reserved for adult single grave spaces.

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## CHAPTER 116

### OAK HILL CEMETERY ASSOCIATION

116.01 Purpose	116.10 Association Treasurer
116.02 Membership	116.11 Books to Be Open
116.03 Cemetery Lot Sales	116.12 Regular Business Meetings
116.04 Members Duties	116.13 Audit
116.05 Officers	116.14 Executive Board
116.06 Council Supervision and Control	116.15 Quorum
116.07 Duties of President	116.16 Lot Conveyances
116.08 City Clerk	116.17 Payment Required
116.09 Association Secretary	116.18 Bylaws Amended

**116.01 PURPOSE.** The purpose of this chapter is to establish the Oak Hill Cemetery Association, to beautify, adorn and keep in as good order as possible, the cemetery situated in the eastern part of Tama, and known as the Oak Hill Cemetery.

**116.02 MEMBERSHIP.** A membership in the Oak Hill Cemetery Association may be obtained by the payment of annual dues as determined by the Association and shall be due and payable on January 1 of each year. No dues shall be payable in the year in which membership first commences.

**116.03 CEMETERY LOT SALES.** The price of cemetery lots and the portion of said lot price set aside for perpetual care shall be in such amounts as the City Council may from time to time determine and establish by resolution. All sums hereafter or heretofore received from cemetery lot sales, including that portion set aside for perpetual care, shall be paid to the City Clerk who shall invest and deposit the same as the City Council may from time to time determine. The City Clerk shall maintain records of all cemetery lot sales, the receipts from said sales, the investment of said receipts (including that portion set aside for perpetual care) and all disbursements therefrom.

**116.04 MEMBERS DUTIES.** It shall be the duty of every member of the Association to advance the interests and enlarge the membership of the Association in all legitimate manners.

**116.05 OFFICERS.** The officers of the Association shall consist of President, Vice President, Secretary, Treasurer, to be elected by ballot annually, and City Clerk, who shall cooperate with the Cemetery Committee of the City Council.

**116.06 COUNCIL SUPERVISION AND CONTROL.** The supervision and control of the cemetery shall be with the City Council, whose Cemetery Committee shall meet with and advise with a similar committee to be appointed by the President of the Oak Hill Cemetery Association.

**116.07 DUTIES OF PRESIDENT.** It shall be the duty of the President to preside at all meetings, call special meetings, appoint special committees and sign all orders on the Treasurer. In case the office is made vacant by resignation or otherwise, and in the absence of the President, the duties of that office shall be assumed by the Vice President.

**116.08 CITY CLERK.** It shall be the duty of the City Clerk to sell all lots and single burials and to make the collections on the same.

**116.09 ASSOCIATION SECRETARY.** It shall be the duty of the Secretary to handle the correspondence of the Association and to maintain records of its activities.

**116.10 ASSOCIATION TREASURER.** It shall be the duty of the Treasurer to receive all dues payable to the Association and to receipt for the same; to pay all orders drawn on Association funds pursuant to the direction of the President and Secretary and to make a report of all funds on hand, receipts and disbursements at the regular monthly meetings.

**116.11 BOOKS TO BE OPEN.** It shall be the duty of both the Secretary and Treasurer to keep their books open for inspection at all times.

**116.12 REGULAR BUSINESS MEETINGS.** There shall be regular meetings to conduct Association business on the second Friday of each month unless otherwise ordered.

**116.13 AUDIT.** The President shall before the regular annual meeting appoint an auditing committee to examine and audit the books of the Secretary and Treasurer, preparatory for the annual report.

**116.14 EXECUTIVE BOARD.** All work at the cemetery shall be under the supervision of an executive board consisting of three members appointed by the President.

**116.15 QUORUM.** Seven shall constitute a quorum for the Association to do business.

**116.16 LOT CONVEYANCES.** No sale, transfer, assignment or conveyance of any lot, or part thereof, shall be valid or effective without the City Clerk's endorsement on the instrument of conveyance and the perpetual care certificate which pertains thereto. Lots shall be sold only for the intended use of the immediate purchaser and not for resale.

**116.17 PAYMENT REQUIRED.** No contract for the purchase of a lot or part of a lot shall convey any right, interest or title therein, nor entitle the purchaser to any instrument of conveyance nor the right to use the same for burial purposes unless and until the full purchase price thereof shall be received by the City Clerk. If any contract shall remain unpaid for 90 days from and after the date thereof, the City may, in its sole discretion, by written notice sent by ordinary mail to the contracting party at their address as shown upon said contract, cancel said contract without liability.

**116.18 BYLAWS AMENDED.** The bylaws may be amended and enlarged at any regular meeting of the Association, by a vote of two-thirds of all the members present and the concurrence of the Council.

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## CHAPTER 120

# LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required

120.04 Action by Council

120.02 General Prohibition

120.05 Prohibited Sales and Acts

120.03 Investigation

120.06 Amusement Devices

**120.01 LICENSE OR PERMIT REQUIRED.** No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit, or beer permit in accordance with the provisions of Chapter 123 of the *Code of Iowa*.

*(Code of Iowa, Sec. 123.22, 123.122 & 123.171)*

**120.02 GENERAL PROHIBITION.** It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations, and restrictions enumerated in Chapter 123 of the *Code of Iowa*, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

*(Code of Iowa, Sec. 123.2, 123.39 & 123.50)*

**120.03 INVESTIGATION.** Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises that does not conform to the applicable law and ordinances, resolutions, and regulations of the City.

*(Code of Iowa, Sec. 123.30)*

**120.04 ACTION BY COUNCIL.** The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

*(Code of Iowa, Sec. 123.32[2])*

**120.05 PROHIBITED SALES AND ACTS.** A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense, or give to an 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, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a liquor control license or retail wine or beer permit granted the privilege of selling alcoholic liquor, wine, or beer on Sunday may sell or dispense alcoholic

liquor, wine, or beer between the hours of 8:00 a.m. on Sunday and 2:00 a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class “B” beer permit may sell or dispense alcoholic liquor, wine, or beer for consumption on the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year’s Day and beer for consumption off the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year’s Day.

*(Code of Iowa, Sec. 123.49[2b] & 123.150)*

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 or permit.  
*(Code of Iowa, Sec. 123.49[2j])*
8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.  
*(Code of Iowa, Sec. 123.49[2d])*
9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package that has been reused or adulterated.  
*(Code of Iowa, Sec. 123.49[2e])*
10. Allow any person other than the licensee, permittee, or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container that is designed for the transporting of such beverages, except as allowed by State law.  
*(Code of Iowa, Sec. 123.49[2g])*
11. Sell, give, possess, or otherwise supply a machine that is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

*(Code of Iowa, Sec. 123.49[21])*

**120.06 AMUSEMENT DEVICES.** The following provisions pertain to electrical or mechanical amusement devices possessed and used in accordance with Chapter 99B of the *Code of Iowa*. (Said devices are allowed only in premises with a liquor control license or beer permit, as specifically authorized in said Chapter 99B.)

*(Code of Iowa, Sec. 99B.57)*

1. As used in this section, “registered electrical or mechanical amusement device” means an electrical or mechanical device required to be registered with the Iowa Department of Inspection and Appeals, as provided in Section 99B.53 of the *Code of Iowa*.
2. It is unlawful for any person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.
3. It is unlawful for any person owning or leasing a registered electrical or mechanical amusement device, or an employee of a person owning or leasing a registered electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.
4. It is unlawful for any person to knowingly participate in the operation of a registered electrical or mechanical amusement device with a person under the age of 21.



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## CHAPTER 121

# CIGARETTE AND TOBACCO PERMITS

121.01 Definitions

121.02 Permit Required

121.03 Application

121.04 Fees

121.05 Issuance and Expiration

121.06 Refunds

121.07 Persons Under Legal Age

121.08 Self-Service Sales Prohibited

121.09 Permit Revocation

**121.01 DEFINITIONS.** For use in this chapter the following terms are defined:  
(*Code of Iowa, Sec. 453A.1*)

1. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, cigarette shall not be construed to include cigars.
3. “Place of business” means any place where cigarettes, tobacco products, alternative nicotine products, or vapor products are sold, stored or kept for the purpose of sale or consumption by a retailer.
4. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.
5. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
6. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product” includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. “Vapor product” does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

#### **121.02 PERMIT REQUIRED.**

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.  
(Code of Iowa, Sec. 453A.13)
2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

**121.03 APPLICATION.** A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13 & 453A.47A)

**121.04 FEES.** The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13 & 453A.47A)

<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.

**121.06 REFUNDS.** A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

*(Code of Iowa, 453A.13 & 453A.47A)*

**121.07 PERSONS UNDER LEGAL AGE.** No person shall sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 18 years of age. The provision of this section includes prohibiting a minor from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of \$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])*

**121.08 SELF-SERVICE SALES PROHIBITED.** Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36[6] of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

*(Code of Iowa, Sec. 453A.36A)*

**121.09 PERMIT REVOCATION.** Following a written notice and an opportunity for a hearing, as provided by the *Code of Iowa*, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the *Code of Iowa* or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at

which the violation occurred, until one year has expired from the date of revocation, unless

good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of the revocation or suspension.

*(Code of Iowa, Sec. 453A.22)*

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## CHAPTER 122

# PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose	122.10 Time Restriction
122.02 Definitions	122.11 Revocation of License
122.03 License Required	122.12 Hearing
122.04 Application for License	122.13 Record and Determination
122.05 License Fees	122.14 Appeal
122.06 Bond Required	122.15 Effect of Revocation
122.07 License Issued	122.16 Rebates
122.08 Display of License	122.17 License Exemptions
122.09 License Not Transferable	122.18 Charitable and Nonprofit Organizations

**122.01 PURPOSE.** The purpose of this chapter is to protect residents of the City against fraud, unfair competition, and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors, and transient merchants.

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

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle that 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.

**122.05 LICENSE FEES.** The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. For one day \$25.00
2. For up to six months \$50.00

**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.** Following a written notice and an opportunity for a hearing, the Clerk may revoke any license issued pursuant to this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health, or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order, or morals.

The Clerk shall send the written notice to the licensee at the licensee's local address. The notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time, and place for hearing on the matter.

**122.12 HEARING.** The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

**122.13 RECORD AND DETERMINATION.** The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.



**122.14 APPEAL.** If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons for such revocation or refusal. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

**122.15 EFFECT OF REVOCATION.** Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

**122.16 REBATES.** Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least \$5.00 of the original fee shall be retained by the City to cover administrative costs.

**122.17 LICENSE EXEMPTIONS.** The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for, or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America, and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the South Tama County Community School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

**122.18 CHARITABLE AND NONPROFIT ORGANIZATIONS.** Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa* desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization, the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.14 of this chapter.

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## CHAPTER 123

# HOUSE MOVERS

**123.01 House Mover Defined**

**123.02 Permit Required**

**123.03 Application**

**123.04 Bond Required**

**123.05 Insurance Required**

**123.06 Permit 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.

**123.03 APPLICATION.** Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and, if a corporation, the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

**123.04 BOND REQUIRED.** The applicant shall post with the Clerk a penal bond in the minimum sum of \$5,000.00 issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

**123.05 INSURANCE REQUIRED.** Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury – \$1,000,000.00 per person; \$1,000,000.00 per accident.
2. Property Damage – \$1,000,000.00 per accident.

**123.06 PERMIT FEE.** A permit fee of \$10.00 shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

**123.07 PERMIT ISSUED.** Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

**123.08 PUBLIC SAFETY.** At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain 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 12 hours without having first secured the written approval of the City.

**123.10 REMOVAL BY CITY.** In the event any building or similar structure is found to be in violation of Section 123.09, the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

**123.11 PROTECT PAVEMENT.** It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one inch in width for each 1,000 pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

**123.12 OVERHEAD WIRES.** The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

## CHAPTER 124

### TREE TRIMMERS

124.01 Purpose	124.07 License Issued
124.02 Definition	124.08 Public Safety
124.03 License Required	124.09 Time Limit
124.04 Application	124.10 Removal by City
124.05 Bond Required	124.11 Exceptions
124.06 Insurance Required	124.12 Indemnification

**124.01 PURPOSE.** The purpose of this chapter is to protect and preserve the public safety and well-being by licensing and regulating tree trimmers and tree surgeons.

**124.02 DEFINITION.** The words “tree trimmer” and “tree surgeon” as used herein mean any person, firm or corporation, who solicits or performs the work of felling trees, or who cuts or trims any tree or limbs or branches of any tree, or who offers services in the diagnosis and treatment of diseases of any tree, for a valuable consideration.

**124.03 LICENSE REQUIRED.** It is unlawful for any person to engage in the activity of tree trimmer as herein defined without a valid license from the City.

**124.04 APPLICATION.** Application for a tree trimmer’s license shall be made in writing to the Clerk on forms furnished by 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. Equipment. A listing of the type and number of pieces of automotive, power and safety equipment which is available or will be used within the City.
3. Qualifications. A statement of the training experience or other qualifications pertaining to the type of work to be done within the City.

**124.05 BOND REQUIRED.** The applicant shall post with the Clerk a penal bond in the sum of \$5,000.00 issued by a surety company authorized to issue such bonds in the State of Iowa. The bond shall guarantee the licensee’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 the activities of a tree trimmer.

**124.06 INSURANCE REQUIRED.** Each applicant shall also have filed a certificate of insurance indicating that such applicant is carrying public liability insurance in effect for the duration of the license covering applicant and any agents and employees for the following amounts:

Personal Injury - \$1,000,000.00 per person.  
Property Damage - \$1,000,000.00.

**124.07 LICENSE ISSUED.** Upon completion of the application, filing of bond and insurance certificate, and payment of the required fee the Clerk shall issue a license.

**124.08 PUBLIC SAFETY.** At all times when working in the City, the licensee shall maintain adequate warning signs and by the use of barricades or otherwise shall take reasonable precautions to insure that no injury is done to persons or property.

**124.09 TIME LIMIT.** No tree trimmer shall permit or allow any tree limbs, branches, clippings or other debris to remain upon any street or other public way for a period of more than four hours without having first secured the written approval of the City.

**124.10 REMOVAL BY CITY.** In the event any tree trimmer is found to be in violation of Section 124.09 of this chapter, the City is authorized to remove such material and assess the costs thereof against the license holder and the surety on the bond.

**124.11 EXCEPTIONS.** The provisions of this chapter requiring a bond and insurance shall not apply in the following cases:

1. Where the tree trimmer or tree surgeon does not cut or trim any tree within the City in excess of 20 feet in height.
2. Where the tree trimmer or tree surgeon does not cut or trim any branch in excess of six inches in diameter or any part of which is more than 20 feet above the surface of the ground.
3. Where the tree to be cut or trimmed has been felled and is lying upon the surface of the ground.

**124.12 INDEMNIFICATION.** Each applicant for a license shall, as a condition to the issuance of said license, execute and deliver, in a form approved by the City, an agreement to indemnify and hold harmless the City from any liability arising from services rendered by the applicant as a tree trimmer or tree surgeon.

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## CHAPTER 135

### STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices

135.02 Obstructing or Defacing

135.03 Placing Debris On

135.04 Playing In

135.05 Traveling on Barricaded Street or Alley

135.06 Use for Business Purposes

135.07 Washing Vehicles

135.08 Burning Prohibited

135.09 Excavations

135.10 Property Owner's Responsibility for Maintenance

135.11 Failure to Maintain

135.12 Dumping of Snow

135.13 Driveway Culverts

**135.01 REMOVAL OF WARNING DEVICES.** It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

*(Code of Iowa, Sec. 716.1)*

**135.02 OBSTRUCTING OR DEFACING.** It is unlawful for any person to obstruct, deface or injure any street or alley in any manner.

*(Code of Iowa, Sec. 716.1)*

**135.03 PLACING DEBRIS ON.** It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle.

*(Code of Iowa, Sec. 321.369)*

**135.04 PLAYING IN.** It is unlawful for any person to coast, sled, or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

**135.05 TRAVELING ON BARRICADED STREET OR ALLEY.** It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the Fire Department.

**135.06 USE FOR BUSINESS PURPOSES.** It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

**135.07 WASHING VEHICLES.** It is unlawful for any person to use any public sidewalk, street, or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

**135.08 BURNING PROHIBITED.** No person shall burn any trash, leaves, rubbish, or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

**135.09 EXCAVATIONS.** No person shall dig, excavate, or in any manner disturb any street, parking or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit. A written application for such permit shall be filed with the City Clerk or Public Works Director 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 that 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 \$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 \$1,000.00 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 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 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 for such work 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 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.

**135.10 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE.** The abutting property owner shall maintain all property outside the lot and property lines and inside the curb lines upon public streets and shall keep such area in a safe condition, free from nuisances, obstructions, and hazards. In the absence of a curb, such property shall extend from the property line to that portion of the public street used or improved for vehicular purposes. The abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes, but is not limited to, timely mowing, trimming trees and shrubs, and picking up litter and debris. The abutting property owner may be liable for damages caused by failure to maintain the publicly owned property or right-of-way.<sup>†</sup>

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

**135.11 FAILURE TO MAINTAIN.** If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

**135.12 DUMPING OF SNOW.** It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

**135.13 DRIVEWAY CULVERTS.** The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for

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<sup>†</sup> **EDITOR'S NOTE:** See also Section 136.04 relating to property owner's responsibility for maintenance of sidewalks.

the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

## 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 Property Owner's 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. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
5. "Portland cement" means any type of cement except bituminous cement.
6. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
7. "Sidewalk improvements" means the construction, reconstruction, repair, replacement, or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
8. "Wood float finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

**136.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS.** The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within the timeframe set by resolution of the City Council, the City may do so and assess the costs against the property owner for

collection in the same manner as a property tax. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk.

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

**136.04 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE.** The abutting property owner shall maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

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

**136.05 CITY MAY ORDER REPAIRS.** If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

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

*(Code of Iowa, Sec. 384.38)*

**136.07 PERMIT REQUIRED.** No person shall remove, reconstruct, or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction, or installation will comply with all ordinances and requirements of the City for such work. A written application for such permit shall be filed with the City.

**136.08 SIDEWALK STANDARDS.** Sidewalks repaired, replaced, or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three-inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.
4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
5. Length, Width and Depth. Length, width and depth requirements are as follows:
  - A. Residential sidewalks shall be at least four feet wide and four inches thick, and each section shall be no more than six feet in length.

- B. Business District sidewalks shall extend from the property line to the curb. Each section shall be four inches thick and no more than six feet in length.
- C. Driveway areas shall be not less than six inches in thickness.
- 6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council establishes a different distance due to special circumstances.
- 7. Grade. Curb tops shall be on level with the centerline of the street, which is the established grade.
- 8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half inch above the curb for each foot between the curb and the sidewalk.
- 9. Slope. All sidewalks shall slope one-fourth inch per foot toward the curb.
- 10. Finish. All sidewalks shall be finished with a broom finish or wood float finish.
- 11. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

*(Code of Iowa, Sec. 216C.9)*

**136.09 BARRICADES AND WARNING LIGHTS.** Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

**136.10 FAILURE TO REPAIR OR BARRICADE.** It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

**136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS.** No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or

approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

**136.12 AWNINGS.** It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

**136.13 ENCROACHING STEPS.** It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

**136.14 OPENINGS AND ENCLOSURES.** It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating, or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six feet of any sidewalk.

**136.15 FIRES OR 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 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

### 137.04 Findings Required

### 137.02 Planning and Zoning Commission

### 137.05 Disposal of Vacated Streets or Alleys

### 137.03 Notice of Vacation Hearing

### 137.06 Disposal by Gift Limited

**137.01 POWER TO VACATE.** When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof, or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

**137.02 PLANNING AND ZONING COMMISSION.** Any proposal to vacate a street, alley, portion thereof, or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within 30 days after the date the proposed vacation is referred to the Commission.

*(Code of Iowa, Sec. 392.1)*

**137.03 NOTICE OF VACATION HEARING.** The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

**137.04 FINDINGS REQUIRED.** No street, alley, portion thereof, or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof, or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

**137.05 DISPOSAL OF VACATED STREETS OR ALLEYS.** When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, *Code of Iowa*.

*(Code of Iowa, Sec. 364.7)*

**137.06 DISPOSAL BY GIFT LIMITED.** The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.

*(Code of Iowa, Sec. 174.15[2] & 364.7[3])*





**EDITOR'S NOTE**

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

<b>ORDINANCE NO.</b>	<b>ADOPTED</b>	<b>ORDINANCE NO.</b>	<b>ADOPTED</b>
35	undated		
36	undated		
51	June 21, 1900		
52A	August 6, 1900		
62	March 7, 1898		
68A	undated		
84	August 20, 1910		
104	October 6, 1913		
106	March 2, 1914		
110	May 4, 1914		
124	December 15, 1915		
125	December 15, 1915		
181	August 3, 1936		
190	September 5, 1939		
199	January 3, 1944		
201	December 19, 1944		
202	February 5, 1945		
212	August 4, 1947		
214	November 3, 1947		
217	October 19, 1948		
224	March 20, 1950		
225	March 20, 1950		
226	March 20, 1950		
230	January 7, 1952		
248	August 4, 1958		
249	October 21, 1958		
250	November 18, 1958		

290	April 21, 1969		
345	August 2, 1976		
346	September 7, 1976		
348	October 18, 1976		
557	July 18, 2011		
582	August 7, 2017		

## 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
25	undated		
63	undated		
74	June 23, 1908		
78	undated		
79	September 2, 1909		
108	May 4, 1914		
109	May 4, 1914		
136	July 2, 1917		
141	October 28, 1919		
171	undated		
251	July 6, 1959		
267	September 16, 1963		
268	October 7, 1963		
293	May 4, 1970		
373	May 7, 1979		

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## CHAPTER 139

### NAMING OF STREETS

**139.01 Naming New Streets**

**139.04 Official Street Name Map**

**139.02 Changing Name of Street**

**139.05 Revision of Street Name Map**

**139.03 Recording Street Names**

**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. Ordinance. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance.

**139.02 CHANGING NAME OF STREET.** The Council may, by ordinance, 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 Tama, 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 amendment has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk. No amendment to this chapter which involves naming or changing the name of a street shall become effective until after such change and entry have been made on said map.

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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 Building Official is responsible for the enforcement of this chapter.

**145.02 GENERAL DEFINITION OF UNSAFE.** All buildings or structures that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life, or that in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

*(Code of Iowa, Sec. 657A.1 & 364.12[3a])*

**145.03 UNSAFE BUILDING.** “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of: (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.



**145.04 NOTICE TO OWNER.** The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the *Code of Iowa*, if the owner is found within the City limits. If the owner is not found within the City limits, such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.
2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

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

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.<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 TAMA, 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 or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house said entity’s own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

**146.02 CONVERSION TO REAL PROPERTY.** A mobile home or manufactured home that is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

*(Code of Iowa, Sec. 435.26 & Sec. 435.35)*

1. **Retailer’s Stock.** Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.

2. Existing Homes. A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

**146.03 FOUNDATION REQUIREMENTS.** A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system that meets the support and anchorage requirements as recommended by the manufacturer or required by the *State Building Code*. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the *State Building Code*.

*(Code of Iowa, Sec. 103A.10 & 414.28)*

## CHAPTER 147

### FIRE ZONE

147.01 Fire Zone Established

147.02 Plans Submitted

147.03 Buildings Prohibited

147.04 Construction Standards

147.05 Reconstruction Prohibited

147.06 Special Permit

147.07 Removal of Buildings

147.08 Storage of Materials Restricted

**147.01 FIRE ZONE ESTABLISHED.** A Fire Zone is established to include all of the following territory:

*Blocks 1, 2, 3, 4, 5, 6, 7, 8, and 9 of the Original Town of Iuka, now the incorporated City of Tama, Iowa, and Blocks 10, 11, and 12 of Bodfish and Harmon's Addition to Iuka, now the incorporated City of Tama, Iowa*

**147.02 PLANS SUBMITTED.** It is unlawful to build, enlarge, or alter any structure, building, or part thereof, within the Fire Zone until a plan of the proposed work, together with a statement of materials to be used has been submitted to the Council, who shall, if in accordance with the provisions of this chapter, issue a permit for the proposed work.

**147.03 BUILDINGS PROHIBITED.** The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial rebuilding, are prohibited in the Fire Zone, unless constructed in strict compliance with the provisions of this chapter.

**147.04 CONSTRUCTION STANDARDS.** The construction standards for all buildings, structures, or parts thereof within the Fire Zone shall be of Type I, Type II, or, at a minimum, Type III fire resistant construction, as specified in the *International Building Code*.

**147.05 RECONSTRUCTION PROHIBITED.** Any building within the Fire Zone not constructed in accordance with the provisions of this chapter which is hereafter damaged by fire, decay, or otherwise shall not be rebuilt, altered, or reconstructed except in accordance with the provisions of this chapter.

**147.06 SPECIAL PERMIT.** The Council may, by four-fifths vote, issue a special permit to improve any property within the Fire Zone contrary to the provisions of this chapter, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard potential of the area, or to allow any person to erect or move in any building or structure for temporary purposes for a period of time not exceeding six months from the date of such permission.

**147.07 REMOVAL OF BUILDINGS.** Any person who erects any building in the Fire Zone, contrary to the provisions of this chapter, shall be given written notice by the Mayor to remove or tear down the same, and if such removal or taking down is not completed within 30 days from the time of the service of such notice, the Mayor shall cause the same to be removed or taken down. The Mayor shall report an itemized bill of the expense to the Clerk, and the same shall be charged to the person owning such building. The Clerk shall present the bill to the owner of the property and if the bill is not paid within 10 days from the date it is

presented, the amount of the bill shall be certified, by the Clerk, to the County Treasurer, as a lien against the property and collected the same as other taxes.

**147.08 STORAGE OF MATERIALS RESTRICTED.** No person shall have or deposit any grain stack, pile of rubbish, explosives, hazardous chemicals or other flammable substance within the Fire Zone, nor shall any person have or deposit any cord wood or fire wood, within the Fire Zone without written permission from the Mayor, specifying the maximum amount of such cord wood or fire wood, that may be kept, stored, or deposited on any lot or part of a lot within the Fire Zone, unless the same be within one of the buildings allowed by this chapter. No person shall build or allow any fires, whether trash fires or otherwise, within the Fire Zone as described in this chapter.

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## CHAPTER 150

# BUILDING NUMBERING

### 150.01 Definitions

### 150.03 Building Numbering Plan

### 150.02 Owner Requirements

**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 inches in height and of a contrasting color with their background.  
*(Code of Iowa, Sec. 364.12[3d])*
3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of 30 days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.  
*(Code of Iowa, Sec. 364.12[3h])*

**150.03 BUILDING NUMBERING MAP.** Building numbers shall be assigned in accordance with the building numbering map on file in the office of the Clerk.



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## CHAPTER 151

### TREES

#### 151.01 Definition

#### 151.02 Planting Restrictions

#### 151.03 Duty to Trim Trees

#### 151.04 Trimming Trees to Be Supervised

#### 151.05 Disease Control

#### 151.06 Inspection and Removal

**151.01 DEFINITION.** For use in this chapter, “parking” means that part of the street, avenue, or highway in the City not covered by sidewalk and lying between the lot line and the curb line or, on unpaved streets, that part of the street, avenue, or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

**151.02 PLANTING RESTRICTIONS.** No tree, shrub, bush, or other woody vegetation shall be planted in or upon the parking except in accordance with the following:

1. **Permit Required.** The owner of the adjacent real estate shall make application<sup>†</sup> for a permit on a form provided by the Clerk and pay such fee as the Council may from time to time fix and establish by resolution. The issuance or denial of a permit shall be in the sole discretion of the City of Tama.
2. **Condition of Permit.** As a condition of the issuance of said permit the owner of the adjacent real estate and such other persons as the City may require shall agree in writing, at their expense, to trim and maintain said trees, shrubs, bushes or woody vegetation and to remove the same as the City may require or deem necessary with said agreement to be a perpetual covenant running with said abutting real estate, binding upon successive owners thereof and with the same to be filed of record in the office of the Tama County Recorder.
3. **Types and Manner of Planting.** Any tree, shrub, bush or other woody vegetation shall be of such type and planted in such a manner and in such locations as the City may prescribe. .

**151.03 DUTY TO TRIM TREES.** The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least 15 feet above the surface of the street and eight feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

*(Code of Iowa, Sec. 364.12[2c, d & e])*

**151.04 TRIMMING TREES TO BE SUPERVISED.** Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

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<sup>†</sup> **EDITOR’S NOTE:** The application for a permit to plant in the City parking and a list of the species of trees allowed are provided in the Appendix of this Code of Ordinances.

**151.05 DISEASE CONTROL.** Any dead, diseased, or damaged tree or shrub that may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

**151.06 INSPECTION AND REMOVAL.** The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.
2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within 14 days of said notification. If such owner, occupant, or person in charge of said property fails to comply within 14 days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

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## CHAPTER 155

### BUILDING CODE

155.01 Short Title	155.10 Additions, Alternations, and Repairs
155.02 Purpose	155.11 Repairs; Roof Covering
155.03 Application	155.12 Existing Occupancy
155.04 Limited Scope of Code	155.13 Physical Value
155.05 Exception	155.14 Maintenance
155.06 Engineering Design	155.15 Buildings Moved into City
155.07 Area and Height Restrictions	155.16 Methods of Construction
155.08 Other	155.17 Proof of Compliance
155.09 General	155.18 Lawns and Vegetation

**155.01 SHORT TITLE.** This chapter shall be known as the Building Code of the City of Tama, Iowa, may be cited as such, and will be referred to herein as “this code.”

**155.02 PURPOSE.** The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within the City and certain equipment specifically regulated therein and requiring the maintenance of lawns and vegetation by mowing and/or trimming.

**155.03 APPLICATION.** The building code shall govern all buildings and structures within the corporate limits of the City, as follows:

1. Construction, Maintenance and Occupancy. Their construction, reconstruction, alteration, repair, maintenance, use or occupancy.
2. Structural, Ventilating and Plumbing. The regulation and inspection of all construction, major repairs and remodeling, and the installation of ventilating and plumbing fixtures, apparatus and equipment, except as otherwise provided by other ordinances of the City.
3. Removal, Repair or Dismantling. The removal, repair or dismantling of buildings and structures.
4. Fire Districts. The establishment of fire districts and the protection of life and property against fire.
5. Additions, Alterations or Change in Use or Occupancy. Additions, alterations, repairs, and changes of use or occupancy in all buildings and structures shall comply with the provisions for new buildings and structures, except as otherwise provided in Section 155.06.
6. Conflicting Provisions. Where in any specific case, different sections of this code specify different materials, methods of construction, or other requirements, the most restrictive shall govern.

**155.04 LIMITED SCOPE OF CODE.** This code shall apply only to buildings not exceeding two stories in height or 6,000 square feet in ground floor area. All other buildings

and structures shall conform to all the provisions of the 1994 Edition of the *Uniform Building Code*.

**155.05 EXCEPTION.** Wood frame dwellings three stories in height may be constructed as specified in this code.

**155.06 ENGINEERING DESIGN.** Where the building requires engineering design, such design shall conform to the 1976 Edition of Volume I of the *Uniform Building Code*.

**155.07 AREA AND HEIGHT RESTRICTIONS.** The basic allowable floor area and maximum height of buildings of Groups B, C, D, E, and H shall be as specified in Chapters 5 through 15 of the *Uniform Building Code*.

**155.08 OTHER.** Any conditions or regulations not covered by this code shall be governed by the 1976 Edition of Volume I of the *Uniform Building Code*.

**155.09 GENERAL.** Buildings or structures to which additions, alterations, or repairs are made shall comply with all the requirements for new buildings or structures except as specifically provided in this chapter. For construction in fire zones, see Chapter 147 of this Code of Ordinances.

**155.10 ADDITIONS, ALTERATIONS, AND REPAIRS.**

1. When additions, alterations, or repairs within any 12-month period exceed 50 percent of the value of an existing building or structure, such building or structure shall be made to conform to the requirements for new buildings or structures.
2. Additions, alterations, and repairs exceeding 25 percent, but not exceeding 50 percent of the value of an existing building or structure and complying with the requirements for new buildings or structures may be made to such building or structure within any 12-month period without making the entire building or structure comply. The new construction shall conform to the requirements of this code for a new building of like area, height, and occupancy. Such building or structure, including new additions, shall not exceed the areas and heights specified in this code.
3. If the cost of alterations or repairs described herein is 25 percent or less of the physical value of the building or structure, the Building Official shall permit the restoration of the building to its condition previous to damage or deterioration with the same kind of materials as those of which the building or structure was constructed, provided that such construction does not endanger the general safety and public welfare and complies with the provisions of areas and heights specified in the code.

**155.11 REPAIRS; ROOF COVERING.** Not more than 25 percent of the roof covering of any building or structure shall be replaced in any 12-month period unless the new roof covering is made to conform to the requirements of this code for new buildings or structures.

**155.12 EXISTING OCCUPANCY.** Buildings in existence at the time of the passage of this code may have their existing use or occupancy continued if such use or occupancy was legal at the time of the passage of this code, provided such continued use is not dangerous to life.

**155.13 PHYSICAL VALUE.** In applying the provisions of this article, the physical value of the building or article shall be determined by the Building Official based on current replacement costs.

**155.14 MAINTENANCE.** All buildings or structures, both existing and new, all parts thereof and all lawns and vegetation shall be maintained in a safe and sanitary conditions and kept mowed, trimmed and cut. All devices or safeguards which are required by this code in a building or structure when erected, altered or repaired shall be maintained in good working order. The owner or any designated agent shall be responsible for the maintenance of buildings and structures and the mowing, trimming and/or cutting of lawns and vegetation.

**155.15 BUILDINGS MOVED INTO CITY.** Buildings or structures moved into or within the City shall comply with the provisions of this code. See Chapter 147 of this Code of Ordinances for requirements in fire zones.

**155.16 METHODS OF CONSTRUCTION.** The provisions of this code are not intended to prevent the use of any material or method of construction not specifically prescribed by this code, provided any such alternate has been approved. The Building Official may approve any such alternate provided such official finds that the proposed design is satisfactory and complies with the provisions of Chapter 23 of the 1994 edition of the *Uniform Building Code*, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use.

**155.17 PROOF OF COMPLIANCE.** Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that any material or any construction does not conform to the requirements of this code, or in order to substantiate claims for alternate materials or methods of construction, the Building Official may require tests as proof of compliance to be made at the expense of the owner or an agent by an approved agency. Test methods shall be as specified by this code for the material in question. If there are no appropriate test methods specified in this code, the Building Official shall determine the test procedure. Copies of the results of all such tests shall be retained for a period of not less than two years after the acceptance of the structure.

**155.18 LAWNS AND VEGETATION.** All lawns, weeds and other similar vegetation shall be kept mowed, cut and trimmed by the owner and/or occupant of the premises to a height not to exceed six inches so as to eliminate any potential habitats for rodents or insects. The adoption of the ordinance codified herein shall constitute notice to mow and take such other action as required herein. If the property owner and/or occupant shall not mow, cut and trim the same in accordance with the foregoing, said failure shall be deemed a violation of this Code of Ordinances and punished as provided herein and the City may perform such mowing, cutting or trimming as it deems necessary and may bill the owner and/or occupant therefor in an amount to be determined by resolution. In the event the owner shall fail to pay the same, within 10 days thereafter the City may assess any charge therefor against the property for collection in the same manner as a property tax.

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## CHAPTER 156

### DEPARTMENT OF BUILDING INSPECTION

156.01 Building Official	156.08 Stop Orders
156.02 Appointment	156.09 Occupancy Violations
156.03 Other Officers	156.10 Liability
156.04 Qualifications of Building Official	156.11 Cooperation of Other Officials
156.05 Restrictions on Employees	156.12 Official Identification
156.06 Official Record	156.13 Violation of Ordinance
156.07 Right of Entry	156.14 Enforcement and Penalty

**156.01 BUILDING OFFICIAL.** The Department of Building Inspection of the City of Tama, Iowa, is hereby created and the executive official in charge thereof shall be known as the Building Official.

**156.02 APPOINTMENT.** The Building Official shall be appointed by the Council and shall not be removed from office except for cause and after full opportunity has been granted for said official to be heard on specific and relevant charges by and before the Council.

**156.03 OTHER OFFICERS.** The Building Official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of the Building Code as authorized by the Council.

**156.04 QUALIFICATIONS OF BUILDING OFFICIAL.** To be eligible for appointment, the Building Official shall have had at least five years' building experience as a licensed professional engineer or architect, building inspector, contractor or superintendent of building construction, for three years, to which experience such person shall have been in responsible charge of work, and shall be generally informed on good engineering practice in respect to the design and construction of buildings, the basic principles of fire prevention, the accepted requirements for means of egress and the installation of service equipment necessary for the health, safety, and general welfare of the occupants. In lieu of these requirements, an applicant with building experience of a lesser degree and completing a two-week seminar with building officials from an established building inspection department and upon examination by the Council may be accepted.

**156.05 RESTRICTIONS ON EMPLOYEES.** No official or employee connected with the department of building inspection, except one whose only connection is that of a member of the board of appeals, as established under the provisions of article 304, shall be engaged in or directly or indirectly connected with the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of a building, or the preparation of plans or specifications, unless said person is the owner of the building, nor shall such officer or employee engage in any work that conflicts with said officer's official duties or with the interest of the department.

**156.06 OFFICIAL RECORD.** An official record shall be kept of all business and activities of the department specified in the provisions of the Building Code, and all such records shall be open to public inspection at all appropriate times.



**156.07 RIGHT OF ENTRY.** Upon presentation of proper credentials, the Building Official or a duly authorized representative may enter at reasonable times any building, structure, or premises in the City to perform any duty imposed upon him by this code.

**156.08 STOP ORDERS.** Whenever any building work is being done, contrary to the provisions of this code, the Building Official may order the work stopped by giving notice in writing served in the same manner as the service of original notices under the Iowa Rules of Civil Procedure on any persons engaged in doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

**156.09 OCCUPANCY VIOLATIONS.** Whenever any structure is being used contrary to the provisions of this code, the Building Official may order such use discontinued and the structure or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within 10 days after receipt of such notice or make the structure or portion thereof comply with the requirements of this code; provided however, in the event of an unsafe building, Chapter 145 of this Code of Ordinances shall apply.

**156.10 LIABILITY.** The Building Official or any employee charged with the enforcement of this code, acting in good faith and without malice for the City in the discharge of duties, shall not thereby be liable personally and said official is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of such duties. Any suit brought against the Building Official or employee, because of such act or omission performed by such official or employee in the enforcement of any provisions of this code, shall be defended by the legal department of the City until final termination of the proceedings.

**156.11 COOPERATION OF OTHER OFFICIALS.** The Building Official may request and shall receive so far as may be necessary in the discharge of duties, the assistance and cooperation of other officials of the City.

**156.12 OFFICIAL IDENTIFICATION.** The Council shall provide an identification certificate for the Building Official, authorized inspectors and assistants, which shall be displayed for the purpose of identification.

**156.13 VIOLATION OF ORDINANCE.** It is unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this code.

**156.14 ENFORCEMENT AND PENALTY.** It is unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this code. Any buildings or additions to any buildings erected or in the process of erection contrary to the provisions of the building code as herein amended shall after notice and failure to comply, be deemed a nuisance and may be abated as such.

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# CHAPTER 165

## ZONING CODE – GENERAL REGULATIONS

165.01 Title and Purpose

165.02 Definitions

165.03 Scope

165.04 Continuance of Nonconforming Uses and Structures

165.05 Obstruction to Vision at Street Intersections

165.06 Conversion into Two-Family or Multiple-Family

Dwellings

165.07 Reduction of Lot

**165.01 TITLE AND PURPOSE.** Chapters 165 through 169 of this Code of Ordinances shall be known and may be cited and referred to as the Tama Zoning Code. The map herein referred to, identified by the title “Zoning District Map, Tama, Iowa,” and all explanatory matter thereon are hereby adopted and made part of this Zoning Code. The zoning regulations and districts herein set forth are made in accordance with a plan for the general welfare of the community. They are designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health, morals or the general welfare; provide adequate light and air; prevent the overcrowding of land or buildings; avoid undue concentration of population. They are made with reasonable consideration, among other things, to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of property and encouraging the most appropriate use of land throughout the City.

**165.02 DEFINITIONS.** The following words and terms are defined for use in the Zoning Code:

1. “Accessory use” means a use subordinate to the main use of land or a building on a lot and customarily incidental thereto.
2. “Alley” means a minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
3. “Alterations” means a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height or the moving from one location or position to another a building or structure.
4. “Auto laundry” means a building or portion thereof where automobiles are washed with the use of a chain conveyor and blower or steam cleaning device.
5. “Automobile sales room” means a building or portion thereof where automobiles and vehicles are sold by a franchised dealer, either with or without storage, parts sales, and repair facilities, providing all such activities are enclosed within a structure.
6. “Base flood” means the flood having one percent chance of being equaled or exceeded in any given year. (See “100-year flood.”)
7. “Base flood elevation” (BFE) means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
8. “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.”)

9. “Boarding house” means a building or dwelling in which more than four persons, either individually or as families, are housed or lodged for hire with or without meals. A rooming house or a furnished room, house, or apartments shall be deemed a boarding house.
10. “Board” means the Board of Adjustment of Tama, Iowa.
11. “Building” means any enclosed space for human use or activities, whether stationary or movable, and further defined as follows:
  - A. Principal Building: A building, including covered porches, carports, and attached garages, in which is conducted the principal use of the lot on which it is situated. In any residence district the main dwelling on the lot on which the same is situated.
  - B. Accessory Building: A subordinate building, the use of which is incidental to that of a principal building on the same lot.
12. “Building, height of” means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.
13. “Building line” means an imaginary line parallel to the front lot line over which no portion of any building may extend and which is a distance from the front lot line equal to the depth of the front yard required for the district in which such lot is located.
14. “Commodities” means goods or products purchased by and commonly used, consumed, or sold at retail in the regular course of business in a grocery store, meat market, delicatessen, drug store, barber or beauty shop to residents of the surrounding neighborhood.
15. “Development” means any manmade change to improved or unimproved real estate, including (but not limited to) building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials. “Development” does not include minor projects or routine maintenance of existing buildings and facilities as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling and grading.
16. “Dwelling” means a building, or portion thereof, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including an automobile house trailer, designed or used primarily for residential occupancy or hotels or motels and farther defined as follows:
  - A. Dwelling, Single Family: A building designed for occupancy by one family. All single-family dwellings for which building permits have been issued after June 11, 1993, shall meet the following standards:
    - (1) The principal portion of such building shall have a minimum width and length of not less than 24 feet respectively.
    - (2) The principal portion of such building shall have a continuous and complete frost protected perimeter foundation constructed of materials as required by the Building Code for regular foundation construction.
    - (3) The building shall have for the exterior wall covering either:
      - a. Wood or masonry finish, or its appearance, and/or

- b. Vertical or horizontal grooved siding or lap siding, or its appearance.
    - (4) Use of flat, formed, or corrugated sheet metal or plastic type materials for the roof covering is prohibited.
  - B. Dwelling, Two-Family: A two-family dwelling is a building designed or used exclusively for occupancy by two families.
  - C. Dwelling, Multiple-Family: A multiple-family dwelling is a building, or portion thereof, containing three or more dwelling units.
  - D. Dwelling Unit: A dwelling unit consists of one or more rooms in a residential building (including an apartment hotel) which are arranged, designed, used or intended for use as living quarters for one family plus not more than three lodgers. Individual bathrooms are not necessarily provided, but complete kitchen facilities, permanently installed, shall always be included for dwelling unit.
17. “Existing construction” means any structure for which the start of construction commenced before the effective date of the community’s Flood Insurance Rate Map and may also be referred to as “existing structure.”
  18. “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 flood plain management regulations adopted by the community.
  19. “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).
  20. “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. Factory-built homes include mobile homes, manufactured homes and modular homes and also includes recreational vehicles which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
  21. “Factory built home park” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
  22. “Family” means one or more persons related by blood, marriage or adoption, and in addition, any domestic servants or gratuitous guests thereof, who are living together in a single dwelling unit and maintaining a common household.
  23. “Filling station” means any area of land, including structures thereon, that is used or designed to be used primarily for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, dry cleaning or otherwise cleaning or servicing such motor vehicles.

24. “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.
25. “Flood elevation” means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.
26. “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.
27. “Flood insurance study” means a study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards; providing the City with the necessary information for adopting a flood plain management program; and establishing actuarial flood insurance rates.
28. “Flood plain” means any land area susceptible to being inundated by water as a result of a flood.
29. “Flood plain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including (but not limited to) emergency preparedness plans, flood control works, flood proofing, and flood plain management regulations.
30. “Flood proofing” means any combination of structural and nonstructural additions, changes or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
31. “Floodway” means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway areas will not cumulatively increase the water surface elevation of the base flood by more than one foot.
32. “Floodway fringe” means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
33. “Floor area of building” means the sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot; except that in residential buildings cellar, basement and attic floor area not devoted to residential use shall be excluded, but the area of roofed porches and roofed terraces shall be included. All dimensions shall be measured between exterior faces of walls.
34. “Garage, private” means an enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is rented to a nonresident of the premises.
35. “Garage, repair” means any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, parts sales and adjusting or equipping of automobiles or other motorized equipment.

36. “Historic structure” means any structure that is:
- A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
  - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified 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.
37. “Home occupation” means an occupation or a profession which:
- A. Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; and
  - B. Is carried on by a member of the family residing in the dwelling unit for residential purposes; and
  - C. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and
  - D. Which conforms to the following additional conditions:
    - (1) The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
    - (2) Not more than one person outside the family shall be employed in the home occupation.
    - (3) There shall be no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
    - (4) No noise, vibration, smoke, dust, odors, heat or glare shall be produced which is detrimental to the residential character of the zoning district in which it is located.
    - (5) See Supplementary Regulations, Chapter 168 of this chapter.
38. “Hotel and motel” means a building which has a common entrance or entrances and contains living and sleeping accommodations for hire by 10 or more persons.
39. “Junk yard” means an area of land with or without buildings used for or occupied by a deposit, collection or the storage, outside of a completely enclosed building, of used and discarded materials such as waste paper, rags or scrap metal, used building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use of disposition of the same.

40. “Lot” means one or more contiguous parcels of land united by a common interest or use considered as a unit, occupied by a principal building or use and its accessory buildings and uses, if any, including the open spaces on such unit of land. It may or may not coincide with the deed description thereof or the boundaries of the same as shown on the tax assessment map of the City or a map filed for record or otherwise, and further defined as follows:
- A. Lot Area: The area of land enclosed within the boundaries of the lot.
  - B. Lot Line: A boundary line of a lot.
  - C. Lot Line, Front: The front lot line shall be that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way.
  - D. Lot Line, Rear: The rear lot line shall be that boundary of a lot which is most distant from and is or is most nearly parallel to, the front lot line.
  - E. Lot Line, Side: The side lot line shall be any boundary of a lot which is not a front lot line or a rear lot line.
  - F. Lot, Width of: Lot width shall be the straight line distance between point on opposite side lot lines at the building line.
41. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
- A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of paragraph 167.05(2)(D) of these regulations.
  - B. The enclosed area is unfinished (not carpeted, dry walled, etc.) and used solely for low damage potential uses such as building access, parking or storage.
  - C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level.
  - D. The enclosed area is not a basement as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

42. “Manufactured home” means a factory built structure built under authority of 42 U.S.C. Section 5403, and which is required by federal law to display a seal from the United States Department of Housing and Urban Development and was constructed on or after June 15, 1976.
43. “Minor projects” means small development activities (except for filling, grading and excavating) valued at less than \$500.00.
44. “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.
45. “Mobile home lot” means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.



46. “Mobile home park” means a site, lot, field, or tract of land upon which two or more occupied mobile homes, manufactured homes, modular homes or a combination of these homes are harbored either free of charge or for revenue purposes and includes any building, structure, parking, or storage area used or intended for use as part of said park.
47. “Modular home” means a factory built structure built on a permanent chassis which is manufactured to be used as a place of human habitation and is constructed to comply with the Iowa State Building Code for modular factory built structures and must display the seal issued by the State Building Code Commissioner.
48. “New construction” (new buildings, factory-built home parks) means those structures or developments for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.
49. “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 flood plain management regulations adopted by the community.
50. “Nonconforming use” means any use of land, buildings, or structures which does not comply with all of the regulations of these regulations governing use for the zoning district in which such use is located.
51. “100-year flood” means a flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every 100 years.
52. “Parking space” means an off-street space accessible and available for the parking of one motor vehicle and having an area of not less than 300 square feet inclusive of passageways and aisles appurtenant thereto, but exclusive of access driveways thereto exceeding 20 feet in length.
53. “Recreational vehicle” means a vehicle which is:
  - A. Built on a single chassis;
  - B. Four hundred 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 temporary living quarters for recreational, camping, travel or seasonal use.
54. “Routine maintenance of existing buildings and facilities” means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
  - A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;

- B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
  - C. Basement sealing;
  - D. Repairing or replacing damaged or broken window panes;
  - E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
55. “Sign” means any structure or part thereof or device attached thereto or painted or represented thereon, which shall display or include any letter, work, 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, but does not include the flag, pennant or insignia or authentic reproduction thereof of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.
56. “Special flood hazard area” means the land within a community subject to the 100-year flood. This land is identified as Zone A on the community's Flood Insurance Rate Map.
57. “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 improvements, 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 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.
58. “Street” means an existing state, county or municipal road, or a street shown upon a plat approved by the commission of the City, in the office of the County Clerk prior to the creation of such commission and the grant to such commission of the power to approve plats.
59. “Structure” means anything constructed or erected on the ground or attached to the ground, including (but not limited to) buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.
60. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
61. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:

- A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (i) before the start of construction of the improvement; or (ii) if the structure has been substantially damaged and is being restored, before the damage occurred. The term does not however, include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of a historic structure, provided the alteration will not preclude the structure's designation as a historic structure.
  - B. Any addition which increases the original floor area of building by 25 percent or more. All additions constructed after the effective date of the Flood Insurance Rate Map shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
- 62. "Use, principal" means the specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.
  - 63. "Variance" means a grant of relief by a community from the terms of the flood plain management regulations.
  - 64. "Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.
  - 65. "Yard" means the space on a lot extending along a lot line between such lot line and a principal building or buildings, or non-building use occupying such lot. Yard measurement shall be taken from the building wall to the lot line, and further defined as follows:
    - A. Front Yard. A yard extending the full width of the lot and situated between the front lot line and the building line. The depth of front yard shall be measured between the building line and the front lot line. Covered porches and garages, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.
    - B. Rear Yard. A yard extending the full width of the lot and situated between the rear line of the principal building and the rear lot line. Accessory buildings or non-building uses may be located within the rear yard only.
    - C. Side Yard. A yard situated between the building and the side lot line and extending from the front yard to the rear yard.

**165.03 SCOPE.** No building or structures, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered, and no building, structure, or land, or part thereof, shall be used except in conformity with the provisions of these regulations.

**165.04 CONTINUANCE OF NONCONFORMING USES AND STRUCTURES.** The continuance of nonconforming uses or structures shall be subject to the following limitations:

- 1. Continuation. Any lawful use of a building or land, existing at the effective date of this Zoning Code, may be continued, although such use does not conform to the provisions of these regulations.

2. Extension. A nonconforming use shall not be extended, but the extension of a conforming use to any portion of a nonconforming building which existed prior to the effective date of these regulations shall not be deemed the extension of a nonconforming use.
3. Restoration. No building damaged by fire or other causes to the extent of more than 75 percent of its value shall be repaired or rebuilt except in conformity with the provisions of these regulations.
4. Abandonment. Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any subsequent use shall be in conformity with the provisions of these regulations.
5. Substitution of Nonconforming Uses. No nonconforming use may be changed to any other nonconforming use, unless the board shall find that the proposed nonconforming use is not more detrimental to the district than the existing nonconforming use of the property. The board may specify such appropriate conditions and safeguards as may be required in connection with such change.
6. Amortization of Nonconforming Signs. Signs and billboards which exist off the site of principal use on the date of the adoption of these regulations and which are nonconforming in accordance with these regulations shall be made to conform within a period of three years from said date.
7. Amortization of Nonconforming Use of Open Land. All nonconforming junk yards, storage areas and similar non-conforming uses of open land not involving a substantial investment in permanent buildings, shall be torn down, altered or otherwise made to conform within three years from the date of the adoption of these regulations.

**165.05 OBSTRUCTION TO VISION AT STREET INTERSECTIONS.** Vision at street intersections shall be regulated as follows:

1. Intersections with Traffic Controls. On any corner lot at a street intersection which has some form of traffic controls in all districts, there shall be no obstructions to traffic visibility within the clear sight triangle, which is formed by the intersection of the centerline of two intersecting streets and a straight line joining the two said centerlines at points 55 feet distant from their point of intersection.
2. Intersections without Traffic Controls. On any corner lot at a street intersection which does not have any form of traffic control in all districts, there shall be no obstructions to traffic visibility within the clear sight triangle which is formed by the intersection of the centerline of two intersecting streets and a straight line joining the two said centerlines at points a given number of feet distant from their point of intersection. The distances from this point of intersection are given on the following table for various speeds in miles per hour of enforced speed limit.

**DISTANCE MEASUREMENTS FOR CLEAR SIGHT TRIANGLE**

Miles Per Hour	Distance Measurement
20	73 feet
25	99 feet

30	126 feet
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**165.06 CONVERSION INTO TWO-FAMILY OR MULTIPLE-FAMILY DWELLINGS.** The board may recommend a variance to permit the conversion of any building into a two-family or multiple-family dwelling in any permissible residential district, provided that the lot area per family shall not be reduced thereby to less than the lot area required for such conversion in each of the respective residential districts, and provided further that such conversion is also approved by the City health officer.

**165.07 REDUCTION OF LOT.** No lot shall be sold, divided, or set off in such a manner that either the portion remaining shall be less than the minimum size prescribed by the regulations relating to the district in which it is situated, unless it becomes a part of an adjacent lot meeting requirements.

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## CHAPTER 166

### ZONING CODE – DISTRICT REGULATIONS

166.01 Establishment of Districts	166.08 Business, B-1 District
166.02 Zoning District Map	166.09 Business, B-2 District
166.03 Rules for Interpretation of District Boundaries	166.10 Residence/Business, RB-5 District
166.04 Residence, R-1 District	166.11 Industrial Districts
166.05 Residence, R-2 District	166.12 Conservation Reserve CR District
166.06 Residence, R-3 District	166.13 Mobile Home Park MHP District
166.07 Residence, R-4 District	

**166.01 ESTABLISHMENT OF DISTRICTS.** For the purpose of these regulations, the City is hereby divided into the following districts:

Residence, R-1 District  
Residence, R-2 District  
Residence, R-3 District  
Residence, R-4 District  
Business, B-1 District  
Business, B-2 District  
Residence/Business, RB-5 District  
Industrial, I-1 District  
Industrial, I-2 District  
Conservation Reserve CR District  
Mobile Home Park MHP District  
Floodway Fringe District (FF)  
Shallow Flooding District (SF)

**166.02 ZONING DISTRICT MAP.** Said districts are bounded and defined as shown on a map entitled “Zoning District Map, Tama, Iowa,” which, with all explanatory matter thereon is hereby made a part of these regulations. *(See EDITOR’S NOTE at the end of this chapter for ordinances amending the zoning map.)*

**166.03 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.** For interpreting district boundaries, the following rules shall apply:

1. Boundaries which Follow Streets or Highways Centerlines. Where a boundary line is shown as approximately following the centerline of a street or highway, a street line or highway right-of-way line, this centerline, street line, or right-of-way line shall be construed to be such boundary. The boundary line will be changed automatically whenever the said centerline, street line, or highway right-of-way line is changed, provided that the change does not exceed 20 feet.
2. Boundaries which Follow Lot Lines. Where a boundary line is shown as following a lot line, such lot line shall be construed to be said boundary.
3. Boundaries and Streams. Where a boundary line follows a stream, such boundary shall be deemed to be the centerline of said stream. For any lake,

pond, reservoir, river or other body of water, the regulations of the most restrictive adjacent district in which they are located shall apply.

4. Boundaries which Run Parallel to Streets, Highways, Railroad, and Streams. Where a boundary line is shown as approximately parallel to a street, highway, stream, or railroad line, such boundary shall be construed as being parallel thereto and at such distance from the centerline thereof as is indicated on the zoning map.
5. Boundary Lines Dividing Lots. Where a district boundary line divides a lot which was held in single and separate ownership at the time the boundary line was established, the use regulations applicable to the least restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than 30 feet beyond the district boundary line.



**166.04 RESIDENCE, R-1 DISTRICT.** Following are the regulations for the Residence, R-1 District:

1. Permitted Uses. In Residence, R-1 District the provisions of this section shall apply and the following uses shall be permitted:
  - A. Single-family dwelling.
  - B. Public libraries, museums, parks, playgrounds and similar community facilities.
  - C. Agriculture as a living, provided there is no display of products other than in growth visible from the street.
  - D. Accessory uses incidental to any of the foregoing permitted uses, such as private garages, parking lots, etc.
2. Special Exception Uses. Uses allowed by special exceptions of the Board:
  - A. Customary incidental home occupation which is carried on as an accessory use by one or more members of the family residing on the premises, and: (i) which shall be carried on wholly within a completely enclosed building; and (ii) in the activity, not more than one-half of the floor area of any one floor or basement shall be used; and (iii) in the conduct of said activity not more than one person outside the family shall be employed; and (iv) such customary home occupation must be in keeping with the character of the neighborhood in which located and must not materially depreciate property values in the immediate area. Such use must also satisfy the regulations prescribed in Chapter 168 of this Code of Ordinances.
  - B. Swimming pool not operated for profit, meeting recognized construction and safety standards and all other requirements of these regulations.
  - C. Public utility substations or pumping stations, upon a showing that such structure is essential to serve the immediate neighborhood, that it cannot be located in any other type of district and that it is housed in buildings that harmonize with the character of the neighborhood and has adequate screening and landscaping and meets all other standards of this Zoning Code.
  - D. Private schools of general instruction, whether or not operated for profit.
  - E. Non-municipal libraries, museums, art galleries and community centers, whether or not operated for profit; and non-commercial clubs, lodges or fraternal organization.
  - F. Hospitals provided that the health officer of the City shall first certify that in the proposed location such use will not have a detrimental effect on the health of the surrounding neighborhood and further provided that a nurse's home as an accessory use is permitted only on the same lot as in the hospital.
  - G. Removable roadside stands for the sale of farm products produced on the premises, provided however, that any such stand shall be situated not less than 40 feet from the street right-of-way line or lot line and

shall have adequate off-street parking facilities, and in no event fewer than four parking spaces. Such stands shall be removed during seasons when products are not being offered for sale.

- H. Accessory uses incidental to any of the foregoing special exceptions.
3. Area Regulations. The following regulations as to the area shall apply to the Residence, R-1 District:
- A. Lot Area and Width. A lot area of not less than one acre per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. Each lot shall have a building line frontage of not less than 150 feet.
  - B. Front Yard. There shall be a front yard on each street on which a lot abuts, which yard shall be not less than 50 feet in depth.
  - C. Side Yard. There shall be two side yards on each lot, neither of which shall be less than 35 feet in depth.
  - D. Rear Yard. There shall be a rear yard on each lot, which yard shall not be less than 70 feet.
4. Supplementary Regulations. See Regulations prescribed in Chapter 168 of this Zoning Code.

**166.05 RESIDENCE, R-2 DISTRICT.** Following are the regulations for the Residence, R-2 District:

1. Permitted Uses. The following uses are permitted:
  - A. All uses allowed by right in Residence, R-1 District except that there shall be no raising or pasturing of livestock, poultry or other commercial animals or birds.
  - B. Churches and similar places of worship.
  - C. Public utility substations or pumping stations meeting the requirements of 166.04(2)(C) of this chapter.
  - D. Private and public schools of general instruction.
  - E. Accessory uses customarily incidental to any of the foregoing permitted uses.
2. Special Exception Uses. Uses allowed by special exception by the Board.
  - A. All uses allowed by special exception in the Residence, R-1 District, except that roadside stands are specifically prohibited.
  - B. Vocational or trade schools, whether or not operated for profit.
  - C. Multiple- and two-family dwelling.
3. Area Regulations. The following regulations as to the area shall apply to the Residence, R-2 District:
  - A. Lot Area and Width.
    - (1) Single-Family Structures. A lot area of not less than 10,000 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. Each lot shall have a building line frontage of not less than 75 feet.
    - (2) Multiple- and Two-Family Dwellings. Add 2,400 square feet of lot area and 25 feet of building line frontage for each additional dwelling unit.
  - B. Front Yard. There shall be a front yard on each street on which a lot abuts, which yard shall be not less than 30 feet in depth.
  - C. Side Yard. There shall be two side yards on each lot neither of which shall be less than eight feet in depth.
  - D. Rear Yard. There shall be a rear yard on each lot, which yard shall not be less than 25 feet in depth.
4. Supplementary Regulations. See regulations prescribed in Chapter 168 of this Zoning Code.

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**166.06 RESIDENCE, R-3 DISTRICT.** Following are the regulations for the Residence, R-3 District:

1. Permitted Uses. The following uses are permitted:
  - A. All uses allowed by right in Residence, R-2.
  - B. Accessory uses customarily incidental to any of the foregoing permitted uses.
  - C. Two-family dwellings.
  - D. Boarding houses.
2. Special Exception Uses. The following uses are allowed by special exception by the Board.
  - A. All uses allowed by special exception in the Residence R-2, District.
  - B. Conversion to two-family dwellings.
3. Area Regulations. The following regulations as to the area shall apply to the Residence, R-3 District.
  - A. Lot Area and Width.
    - (1) Single-Family Structures. A lot area of not less than 7,400 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. Each lot shall have a building line frontage of not less than 60 feet. Notwithstanding the foregoing provisions, the above provisions shall not apply to any lot which is a part of any addition, subdivision, or Auditor's plat, where said addition, subdivision or Auditor's plat was platted prior to January 1, 1950, and said lot was platted with a frontage of less than 60 feet. In such case, the lot area for a single-family structure shall be not less than 6,000 square feet per family for every building hereafter erected or used in whole or in part as a swelling, and such lot shall have a building line frontage of not less than 50 feet.
    - (2) Multiple- and Two-Family Dwellings. Add 2,400 square feet of lot area and 25 feet of building line frontage for each additional dwelling unit.
  - B. Front Yard. There shall be a front yard on each street on which a lot abuts, which yard shall be not less than 25 feet in depth.
  - C. Side Yard. There shall be two side yards on each lot neither of which shall be less than six feet in depth.
  - D. Rear Yard. There shall be rear yard on each lot, which yard shall not be less than 25 feet in depth.
4. Supplementary Regulations. See regulations prescribed in Chapter 168 of this Zoning Code.

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**166.07 RESIDENCE, R-4 DISTRICT.** Following are the regulations for the Residence, R-4 District:

1. Permitted Uses.
  - A. All uses allowed by right in Residence, R-3.
  - B. Accessory uses customarily incidental to any of the foregoing permitted uses.
  - C. Multiple-family dwellings.
2. Special Exception Uses. Uses allowed by special exception by the Board.
  - A. All uses allowed by special exception in the Residence, R-3 District.
  - B. Conversion to multiple-family dwelling.
3. Area Regulations. The following regulations as to the area shall apply to the Residence, R-4 District:
  - A. Lot Area and Width.
    - (1) Single-Family Structures. A lot area of not less than 6,000 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. Each lot shall have a building line frontage of not less than 60 feet. Notwithstanding the foregoing provisions, the above provisions shall not apply to any lot which is a part of any addition, subdivision or Auditor's plat, where said addition, subdivision or Auditor's plat was platted prior to January 1, 1950, and said lot was platted with a frontage of less than 60 feet. In such case, such lot shall have a building line frontage of not less than 50 feet.
    - (2) Multiple-Family Dwellings. Add 2,400 square feet of lot area and 20 feet of building line frontage for each additional dwelling unit, with 100 feet of building line frontage as a minimum for multiple-family dwellings.
  - B. Front Yard. There shall be a front yard on each street on which a lot abuts, which yard shall be not less than 20 feet in depth.
  - C. Side Yard. There shall be two side yards on each lot neither of which shall be less than six feet in depth nor have less than a minimum aggregate of 16 feet.
  - D. Rear Yard. There shall be rear yard on each lot, which yard shall not be less than 25 feet in depth.
4. Supplementary Regulations. See regulations prescribed in Chapter 168 of this Zoning Code.

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**166.08 BUSINESS, B-1 DISTRICT.** Following are the regulations for the Business, B-1 District:

1. Permitted Uses. In the Business, B-1 District the provisions of this section shall apply and the following uses be permitted:
  - A. Retail or service store or shop.
  - B. Personal service shop or agency such as tailor, dressmaking, beauty, barber or shoe repair shop.
  - C. Medical or dental clinic.
  - D. Business, professional and governmental offices.
  - E. Hotels and motels.
  - F. Eating and drinking establishments, except those offering in-car services.
  - G. Theaters, except those offering in-car services.
  - H. Public transportation passenger facilities.
  - I. Telephone exchanges.
  - J. Multiple-family dwellings above the ground level floor.
2. Area Regulations. The following regulations as to area shall apply to the Business, B-1 District.
  - A. All buildings and incidental uses on lots adjacent to a residential district shall be located to provide a 50-foot side yard on the side abutting the residential district. When adjacent to other than residential districts no side yard is required; however, where side yards are provided for such building, each such side yard shall be not less than six feet in width.
  - B. Front Yard. No front yard shall be required in the Business, B-1 District.
  - C. Rear Yard. No rear yard shall be required in the Business B-1 District.
3. Supplementary Regulations. See regulations prescribed in Chapter 168 of this Zoning Code.
4. Special Exception Use. Multiple-family dwellings on the ground level floor are allowed as special exceptions permitted by the Board.

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**166.09 BUSINESS, B-2 DISTRICT.** Following are the regulations for the Business, B-2 District:

1. Permitted Uses. Following are the uses permitted in the B-2 District:
  - A. Any use allowed in Business, B-1 District provided that hotels and motels meet the development standards of Chapter 168.
  - B. Indoor, outdoor or drive-in restaurants.
  - C. Indoor and outdoor amusements such as theaters, amusement parks, drive-in theaters, bowling alleys, skating rinks, dance studios and commercial recreation areas.
  - D. Wholesale businesses, warehousing and storage, provided that all inventories located on the premises are stored within a completely enclosed structure.
  - E. Auto laundries, provided that their operative machinery is within an enclosed structure and adequate drainage is provided.
  - F. Lumberyards.
  - G. Animal hospitals.
  - H. Truck terminals.
  - I. Building or construction supply business.
  - J. Fuel supply.
  - K. Milk depots.
  - L. Filling stations and repair garages.
  - M. Automobile sales rooms, indoor automotive storage and parking lots.
  - N. Multiple-family dwellings above the ground level floor.
2. Area Regulations. The following regulations as to area shall apply to the Business B-2 District.
  - A. All buildings and incidental uses on lots adjacent to a residential district shall be located to provide a 50-foot side yard on the side abutting the residential district.
  - B. Front Yard. There shall be a front yard on each street which a lot abuts, which yard shall be not less than 20 feet in depth.
  - C. Rear Yard. No rear yard shall be required in the Business B-2 District.
3. Supplementary Regulations. See regulations prescribed in Chapter 168 of this Zoning Code.
4. Special Exception Use. Multiple-family dwellings on the ground level floor may be allowed as a special exception use.

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**166.10 RESIDENCE/BUSINESS, RB-5 DISTRICT.** Following are the regulations for the Residence/Business, RB-5 District.

1. Permitted Uses. The following are uses permitted in the RB-5 District.
  - A. Any use allowed in the Residence R-4 District provided that such use conforms to the area and use requirements of that district.
  - B. Any local retail business or service establishment which supplies commodities or performs the following services primarily for residents of the surrounding neighborhood; grocery store, meat market, delicatessen, drug store, barber and beauty shops.
  - C. Business office or professional office, medical or dental clinic.
  - D. Any use of the same general character as the above.
2. Special Exception Uses. Uses allowed as special exceptions by the Board of Adjustment: service stations.
3. Area Regulations. The following are the area regulations for the RB-5 District:
  - A. Lot Area and Width. The minimum lot area shall be 5,000 square feet for each commercial area. The minimum lot width shall be 50 feet.
  - B. Front Yard. The building line to establish a front yard for all buildings and structures shall conform with that required by the most restrictive adjacent use.
  - C. Side Yard. There shall be a side yard adjacent to any residential district of not less than 20 feet.
  - D. Rear Yard. No building shall be within 30 feet of the rear lot line.
4. Supplementary Regulations. See regulations prescribed in Chapter 168 of this Zoning Code.

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**166.11 INDUSTRIAL DISTRICTS.** Following are the regulations for the Industrial Districts.

1. General Use Provisions. General provisions are as follows:
  - A. Non-Industrial Uses. In industrial districts, no building may hereafter be used in whole or in part for any of the following purposes:
    - (1) Residential uses or any dwelling use including hotels and motels.
    - (2) Retail store, service ship, theater or other place of commercial recreation or amusement, filling station, restaurant or tavern.
    - (3) School, church, hospital, sanitarium, correctional institution or other institutional use.
    - (4) Cemetery.
  - B. Prohibited industrial uses are:
    - (1) Acid manufacture, or storage except on limited scale as an accessory to a permitted industry and under conditions specified by the Board of Adjustment.
    - (2) Garbage, waste materials, offal, dead animal or refuse incineration or storage, except the foregoing uses which have been licensed and conform to the statutes, rules and regulations imposed and established by the State of Iowa.
    - (3) Manufacture or storage of gun powder, fireworks, or other explosives.
  - C. Required yards are:
    - (1) Front Yards. No building shall be constructed within 20 feet of the front lot line in the I-1 District and 40 feet in the I-2 District.
    - (2) Side Yards. On lots adjacent to a residential district, all buildings and incidental area shall be located so as to provide a minimum side yard of 50 feet on the side adjacent to the residential district. All other side yards shall be a minimum of 20 feet.
    - (3) Rear Yards. No building shall be constructed within 20 feet of the rear lot line.
  - D. Off-Street Parking and Loading Requirements. Off-street parking and loading facilities shall be provided in accordance with Chapter 168.
  - E. Building Height and Sign Regulations. See regulations prescribed in Chapter 168.
2. Industrial I-1 District. The permitted uses in the Industrial, I-1 District are:
  - A. Assembling and packaging, freight handling, storage and warehousing and similar operations.
  - B. Gasoline, oil or alcohol storage above ground in excess of 500 gallons and other industrial uses not listed above shall be considered special exceptions and will require written approval of the Board of Adjustment.

3. Industrial I-2, District. Permitted and special exception uses in the Industrial, I-2 Districts are:
  - A. Any use permitted in Industrial I-1 District.
  - B. Manufacturing, fabricating and processing, providing that the proposed use will not constitute a fire hazard or emit objectionable smoke, noise, vibration, odor or dust.
  - C. Slaughter house and stock yard.
  - D. Uses allowed by special exception by the Board of Adjustment: junk or salvage yard.



**166.12 CONSERVATION RESERVE CR DISTRICT.** The following are the regulations for the Conservation Reserve CR District:

1. Permitted Uses:
  - A. Woodlands.
  - B. Ponds.
2. Non-Conservation Uses. Uses shall be limited to those promoting soil or water conservation in areas which are not suitable for residential, commercial, industrial or other development.
3. Area Regulations. The minimum area shall be three acres and the minimum width shall be 350 feet.
4. Ponds. A pond shall not be constructed without the prior issuance of a building permit by the City and shall be subject to the following standards.
  - A. The pond shall be constructed in accordance with standards of the United States Department of Agriculture acting through the Natural Resources Conservation Service and/or the Iowa Department of Natural Resources and shall require the prior issuance of all required State and/or federal permits.
  - B. The pond shall be located at a minimum distance of 50 feet from all exterior lot lines.
  - C. The pond shall have a minimum surface area of 22,500 square feet.
  - D. The pond shall be constructed, maintained and located so, that in the event of a breach or leak of its retaining wall or dam, it will not cause damage to downstream property owners.
  - E. The pond shall be maintained and treated as necessary to prevent the unsightly growth of algae or other aquatic plants and to prevent the growth of mosquitoes.
  - F. The pond shall be surrounded by a fence of a minimum height of four feet which shall be of a type of construction sufficient to prevent access by the public.

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**166.13 MOBILE HOME PARK MHP DISTRICT.** Following are the regulations for the Mobile Home Park MHP District:

1. Permitted Uses. The following uses are permitted:
  - A. Mobile Home Park.
2. Special Exception Uses. Uses allowed by special exception of the Board:
  - A. None.
3. Area Regulations. The following regulations as to area shall apply to the Mobile Home Park MHP District:
  - A. Lot Area and Width. Each lot shall contain not less than 3,000 square feet. Each lot shall have a building line frontage of not less than 30 feet.
  - B. There shall be a yard on each City owned right of way which a lot abuts which yard shall not be less than 25 feet in depth. There shall be a yard on the side of any lot abutting a residential district of not less than 20 feet.
  - C. Front Yard. Each lot abutting a private street shall have a front yard of not less than 15 feet in depth.
  - D. Side and Rear Yards. Side and rear yards shall be provided so as to maintain a minimum separation at the nearest point between mobile homes and other buildings and structures on adjoining lots of at least 20 feet; however, side yards shall be not less than five feet and rear yards shall be not less than five feet for any mobile home, building or structure.
4. Supplementary Regulations. See the regulations prescribed in Chapter 168 of this Zoning Code.
5. Parking. Residents shall not park in or upon private streets. A minimum of two off-street vehicle parking spaces shall be provided for each mobile home lot to be constructed of asphalt, concrete or gravel. If additional parking is required, it shall be furnished by the park owner.
6. Streets. Access to all mobile home parks shall be from public streets. Access streets shall have a surface width of not less than 25 feet. Interior streets shall have a surface width of not less than 20 feet. The installation, maintenance, and repair of all access and interior streets and removal of snow therefrom shall be the responsibility of the park owner and shall be performed by the park owner, at the park owner's expense, to the satisfaction of the City, promptly upon the City's demand. The foregoing to the contrary notwithstanding, all access and interior streets shall be deemed open to the use of the public, as a matter of right, and shall not be deemed private property for law enforcement purposes and emergency access.
7. Utilities. The park owner shall make provision for public water, sewer, street lighting and solid waste collection. Water shall be furnished to the park through a single meter to be of a size and type as the City may require with the cost of said meter to be the responsibility of the park owner. The water supplied shall be billed to and paid by the park owner together with applicable

sewer and other charges. Lighting to be of such type as the City may require with the cost to be the responsibility of the park owner.

8. Nuisances. It shall be the responsibility of the park owner to maintain the park free of all nuisances, fire and/or health hazards.
9. Skirting. Skirting of a permanent type material which conforms to the exterior of the mobile home or other building or structure shall be applied within 30 days of its placement on the lot which shall enclose all areas between the lower edge of the outside walls and the ground.
10. Anchoring. Anchoring and supports shall be provided in accordance with the manufacturer's recommendation and applicable State law.
11. Applications. All applications seeking the establishment of a mobile home park or the enlargement of an existing park shall, in addition to any other Code requirements, contain such information which the Zoning Officer and Building Official may require which shall include the following:
  - A. Legal description of park.
  - B. Present and proposed streets, alleys, sidewalks, right of ways and proposed type of surface.
  - C. Proposed layout and park showing blocks and lots with dimensions, lot and block numbers in numerical number.
  - D. Setback and yard lines.
  - E. Areas reserved for parking, public, community, recreational or other purposes.
  - F. Present and proposed utility systems including sanitary sewer, street lighting, storm sewer (if required by City), water lines, gas lines and electric utilities with size, location, shutoff locations and location of proposed service connection.

<b>EDITOR'S NOTE</b>			
<p>The following ordinances have been adopted amending the Official Zoning Map described in Section 166.02 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.</p>			
ORDINANCE NO.	DATE ADOPTED	ORDINANCE NO.	DATE ADOPTED
550	April 19, 2010		
558	December 19, 2011		
580	June 19, 2017		

[The next page is 801]

## CHAPTER 167

# ZONING CODE – FLOOD PLAIN REGULATIONS

167.01 Statutory Authority; Findings of Fact and Purpose	167.07 Shallow Flooding (Overlay) District SF
167.02 General Provisions	167.08 Administration
167.03 Establishment of Zoning (Overlay) Districts	167.09 Nonconforming Uses
167.04 Standards for Floodway Fringe (Overlay) District FF	167.10 Amendments
167.05 Floodway Fringe District FF	167.11 Penalties for Violation
167.06 General Flood Plain (Overlay) District FP	167.12 Severability

### 167.01 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. Statutory Authority. 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 Tama 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 flood plain causing increases in flood heights and velocities.
  - C. These regulations rely 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 these regulations to protect and preserve the rights, privileges and property of the City of Tama and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses with provisions designed to:
  - A. Reserve sufficient flood plain 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.

#### **167.02 GENERAL PROVISIONS.**

1. Lands to which Regulations Apply. These regulations shall apply to all lands within the jurisdiction of the City of Tama shown on the Official Flood Plain Zoning Map as being within the boundaries of the Floodway Fringe, General Flood Plain and Shallow Flooding (Overlay )Districts.
2. Establishment of Official Flood Plain Zoning Map. The Flood Insurance Rate Map (FIRM) for Tama County and Incorporated Areas, City of Tama Panel 0435C dated January 19, 2006, and Panel 0430D dated November 18, 2009, are hereby adopted by reference and declared to be the Official Flood Plain Zoning Maps. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be part of these regulations.
3. Rules for Interpretation of District Boundaries. The boundaries of the zoning district areas shall be determined by scaling distances on the Official Flood Plain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Officer 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 Zoning Officer in the enforcement or administration of these regulations.
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 these regulations and other applicable regulations which apply to uses within the jurisdiction of these regulations.
5. Abrogation and Greater Restrictions. It is not intended by these regulations to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where these regulations impose greater restrictions, the provisions of these regulations shall prevail. Should any other provisions of this Code be inconsistent with the provisions of this section, this section shall be controlling and shall supersede said regulations.
6. Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements and shall be liberally construed in favor of the City of Tama 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 these regulations are considered reasonable for regulatory purposes. These regulations do not imply that areas outside the designated Flood Plain (Overlay) District areas will be free from flooding or flood damages. These regulations, shall not create liability on the part of the City of Tama or any officer or employee thereof for any flood damages, from reliance on these regulations or any administrative decision lawfully made thereunder.

**167.03 ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS.** The flood plain areas within the jurisdiction of these regulations are hereby divided into the following districts:

1. Floodway District (FW)
2. Floodway Fringe District (FF)
3. General Flood Plain District (FP)
4. Shallow Flooding District (SF).

The boundaries shall be as shown on the Official Flood Plain Zoning Map. Within these districts, all uses not allowed as permitted uses or permissible as conditional uses are prohibited unless a variance is granted after due consideration by the Board of Adjustment.

**167.04 STANDARDS FOR FLOODWAY FRINGE (OVERLAY) DISTRICT FF.**

1. Permitted Uses. The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other regulations (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse.
  - A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
  - B. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
  - C. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
  - D. Residential uses such as lawns, gardens, parking areas and play areas.
  - E. Such other open-space uses similar in nature to the above uses.
2. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a conditional use permit by the Board of Adjustment as provided in paragraph 3(G ) of this section. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.
  - A. Uses or structures accessory to open-space uses.
  - B. Circuses, carnivals, and similar transient amusement enterprises.
  - C. Drive-in theaters, new and used car lots, roadside stands, signs and billboards.
  - D. Extraction of sands, gravel and other materials.
  - E. Marinas, boat rentals, docks, piers and wharves.
  - F. Utility transmission lines and underground pipelines.



- G. Other uses similar in nature to uses described in subsections 1 and 2 which are consistent with the provisions of subsection 3 and the general spirit and purpose of these regulations.
- 3. Performance Standards. All Floodway District uses allowed as a permitted or conditional use shall meet the following standards.
  - A. No use shall be permitted in the Floodway District that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
  - B. All uses within the Floodway District shall:
    - (1) Be consistent with the need to minimize flood damage.
    - (2) Use construction methods and practices that will minimize flood damage.
    - (3) Use construction materials and utility equipment that are resistant to flood damage.
  - C. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
  - D. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
  - E. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
  - F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
  - G. Watercourse alterations or relocations (channel changes and modifications) 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.
  - H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
  - I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

#### **167.05 FLOODWAY FRINGE DISTRICT (FF).**

- 1. Permitted Uses. All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other regulations (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

2. Performance Standards. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards.
  - A. All Structures. All structures shall:
    - (1) Be adequately anchored to prevent floatation, collapse or lateral movement of the structure.
    - (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 Buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.
  - C. Nonresidential Buildings. All new or substantially improved nonresidential buildings shall have the lowest floor, including basement, elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be 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 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Zoning Officer.
  - 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 of 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 openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

- 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.
  - (2) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - (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 factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the 100-year flood level.
  - (2) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist floatation, collapse, or lateral movement. The following specific requirements (or their equivalent) shall be met:
    - a. Over-the-top ties shall be provided at each of the four corners of the factory-built home, with two additional ties per side at intermediate locations and factory-built homes less than 50 feet long requiring one additional tie per side;
    - b. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points and factory-built homes less than 50 feet long requiring four additional ties per side;
    - c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
    - d. Any additions to factory-built homes shall be similarly anchored.
- 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 foot above the 100-year 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 foot above the 100-year 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 equipment and materials that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material and equipment must either be similarly elevated or: (i) not subject to major flood damage and anchored to prevent movement due to flood waters; or (ii) 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 a 100-year flood with a minimum of three feet 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 relocation 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. Subdivision. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of these regulations. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five acres or 50 lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Flood Plain (Overlay) District.

K. Accessory Structures to Residential Uses.

(1) Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

a. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 square feet in size. Those portions of the structure located less than one foot above the BFE 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 resist flotation, collapse and lateral movement.

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 paragraph 2(D)(1) of this section.

(2) Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

L. **Recreational Vehicles.** Recreational vehicles are exempt from the requirements of paragraph 2(E) of this section regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

(1) The recreational vehicle shall be located on the site for less than 180 consecutive days; and

(2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanent attached additions.

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 paragraph 2(E) of this section regarding anchoring and elevation of factory built homes.

M. **Pipeline Crossings.** Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

#### **167.06 GENERAL FLOOD PLAIN (OVERLAY) DISTRICT (FP).**

1. **Permitted Uses.** The following uses shall be permitted within the General Flood Plain District to the extent they are not prohibited by any other regulations (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstructions, the storage of materials or equipment, excavation or alteration of a watercourse.

A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

B. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

C. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching

ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

- D. Residential uses such as lawns, gardens, parking areas and play areas.
- 2. Conditional Uses. Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse may be allowed only upon issuance of a conditional use permit by the Board of Adjustment as provided in 167.08(3). All such uses 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 100-year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
- 3. Performance Standards.
  - A. All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District.
  - B. All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District.

#### **167.07 SHALLOW FLOODING (OVERLAY) DISTRICT SF.**

- 1. Permitted Uses. All uses within the Shallow Flooding District shall be permitted to the extent that they are not prohibited by any other regulations (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.
- 2. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:
  - A. In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevations shall be equal to the number of feet as specified on the FIRM (or a minimum of two feet if no number is specified) above the highest natural grade adjacent to the structure.
  - B. In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

#### **167.08 ADMINISTRATION.**

- 1. Duties and Responsibilities of Zoning Officer. The Zoning Officer is hereby appointed to implement and administer the provisions of these regulations. Duties of the Zoning Officer shall include, but not necessarily be limited to the following:

- A. Review all flood plain development permit applications to assure that the provisions of these regulations will be satisfied.
  - B. Review flood plain development applications to assure that all necessary permits have been obtained from federal, State and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.
  - C. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the Flood Plain (Overlay) District.
  - D. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) to which all new or substantially improved structures have been floodproofed.
  - E. 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.
  - F. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of these regulations.
  - G. 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.
  - H. Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
  - I. Review subdivision proposals to insure such proposals are consistent with the purpose of these regulations and advise the City Council of potential conflict.
2. Flood Plain Development Permit.
- A. Permit Required. A Flood Plain Development Permit issued by the Zoning Officer shall be secured prior to any flood plain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
  - B. Application for Permit. Application shall be made on forms furnished by the Zoning Officer and shall include the following:
    - (1) Description of the work to be covered by the permit for which application is to be made.
    - (2) Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
    - (3) Indication of the use or occupancy for which the proposed work is intended.
    - (4) Elevation of the 100-year flood.

- (5) Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
    - (6) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
    - (7) Such other information as the Zoning Officer deems reasonably necessary (e.g., drawings or a site plan) for the purpose of these regulations.
  - C. Action on Permit Application. The Zoning Officer shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of these regulations and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Zoning Officer 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. Flood Plain Development Permits based on 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 the City Code. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of these regulations, prior to the use or occupancy of any structure.
3. Conditional Uses, Appeals and Variances.
- A. Duties of Board of Adjustment. The Board of Adjustment shall hear and decide: (i) applications for conditional uses upon which the Board is authorized to pass under these regulations; (ii) appeals; and (iii) requests for variances to the provisions of these regulations and shall take any other action which is required of the Board.
  - B. Conditional Uses. Requests for conditional uses shall be submitted to the Zoning Officer, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.
  - C. 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 these regulations, 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.



- D. Variance. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of these regulations that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship. Variances granted must meet the following applicable standards.
- (1) Variances shall only be granted upon: (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with other regulations.
  - (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
  - (3) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (4) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by these regulations, the applicant shall be notified in writing over the signature of the Zoning Officer that: (i) the issuance of the variance will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and (ii) such construction increases risks to life and property.
  - (5) All variances granted shall have the concurrence or approval of the Department of Natural Resources.
- E. Hearings and Decisions of the Board of Adjustment.
- (1) Hearings. Upon the filing with the Board of Adjustment of an appeal, an application for a conditional use 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.
  - (2) Decisions. The Board shall arrive at a decision on an appeal, conditional use 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 these regulations, 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 conditional use or variance, the Board shall consider such factors as

contained in this section and all other relevant sections of these regulations and may prescribe such conditions as contained in paragraph 3(G) of this section.

F. 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 elsewhere in these regulations and:

- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (2) The danger that materials may be swept on to other land or downstream to the injury of others.
- (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (5) The importance of services provided by the proposed facility to the City.
- (6) The requirements of the facility for a flood plain location.
- (7) The availability of alternative locations not subject to flooding for the proposed use.
- (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- (10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- (12) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
- (13) Such other factors which are relevant to the purpose of these regulations.

G. 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 these regulations. Such conditions may include, but not necessarily be limited to:

- (1) Modification of waste disposal and water supply facilities.
- (2) Limitation of periods of use and operation.
- (3) Imposition of operational controls, sureties, and deed restrictions.

(4) Requirements for construction of channel modifications, dikes, levees and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of these regulations.

(5) 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.

- H. 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 illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the City Clerk.

#### **167.09 NONCONFORMING USES.**

1. A structure or the use of a structure or premises which was lawful before the adoption of these regulations but which is not in conformity with the provisions hereof, may be continued subject to the following conditions:
  - A. If such use is discontinued for six consecutive months, any future use of the building premises shall conform to these regulations.
  - 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 50 percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of these regulations.
2. Except as provided in paragraph 1(B) above, any use which has been permitted as a conditional use or variance shall be considered a conforming use.

**167.10 AMENDMENTS.** The regulations and standards set forth herein 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.

**167.11 PENALTIES FOR VIOLATION.** Violations of the regulations and standards set forth herein shall constitute a misdemeanor. Any person or entity which violates these regulations and standards or fails to comply with any of the requirements set forth herein shall upon conviction thereof, be subject to a fine of not more than \$625.00 or imprisonment for not more than 30 days or by such increased penalty as may be provided by any subsequent amendment of Section 903.1 of the *Code of Iowa* which is hereby incorporated herein by reference thereto. Nothing herein contained shall prevent the City of Tama, Iowa, from taking

such other lawful action as it may deem necessary to prevent or remedy violations, including (but not limited to) prosecuting a violation as a municipal infraction.

**167.12 SEVERABILITY.** If any section, provision or part of these regulations and standards is adjudged invalid or unconstitutional, such adjudication will not affect the validity of these regulations and standards as a whole or any section, provision or part not adjudged invalid or unconstitutional.

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## CHAPTER 168

### ZONING CODE - SUPPLEMENTARY REGULATIONS

168.01 Off-Street Parking

168.02 Accessory Building and Uses

168.03 Off-Street Loading

168.04 Height Regulations

168.05 Signs

168.06 Fences

168.07 Filling Stations

168.08 Hotels and Motels

168.09 Mobile Home Parks

168.10 Designed Shopping Center

168.11 Designed Residential Subdivision

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**168.01 OFF-STREET PARKING.** In conjunction with any principal building hereafter erected or any use of land hereafter established, there shall be provided on the same lot therewith sufficient parking spaces to meet the minimum requirements specified as follows:

1. Residential Districts. At least one off-street parking space shall be provided for each dwelling unit and for each mobile home unit.
  - A. Customary home occupation or permitted professional use in a dwelling: one space per dwelling unit plus three spaces for each 200 square feet of floor space devoted to said uses.
  - B. Boarding house: one space per dwelling unit plus one space for each two guest rooms.
  - C. In residential districts, no required parking space shall be located closer to the front lot line than the minimum depth of front yard required by this chapter, or within five feet of any lot line.
2. Business Districts. In business districts, entrance and exit drives as limited in this section shall be permitted. Entrance or exit drives connecting the parking area and the street shall be permitted, provided:
  - A. Such drives shall not exceed 15 feet in total aggregate width for each 50 feet of street line abutting such lot, but in no case exceeding 40 feet in total aggregate width for each street line upon which a lot abuts.
  - B. Such drives shall have at least 60 feet of unobstructed vision in both directions along the street into which the drive enters measured from the centerline of the drive at the point where it enters the street, and the centerline of such drive shall be at least 60 feet from the centerline of any street intersecting the street onto which the drive enters.
  - C. Such drives shall have on each side a triangular area formed by the intersection of the driveway line, the street line and a straight line joining said lines at points 30 feet distant from their point of intersection. Within such triangular area, no parking or loading or unloading shall be permitted, nor shall there be any obstruction to traffic visibility.

3. Industrial Districts. Industrial or manufacturing establishments shall provide parking spaces sufficient to include one space for every two employees computed on the basis of the greatest number of persons to be employed during peak hours of employment. In Industrial Districts, no parking space or access thereto, except entrance or exit drives as limited in this section, shall be within five feet of any lot line. Entrance or exit drives connecting the parking and the street shall be permitted within the five-foot strip required above, provided these drives meet the requirements as specified in Section 168.03 .

**168.02 ACCESSORY BUILDING AND USES.** This section is intended to provide that accessory buildings and uses are compatible with the principal use of that property on which they are located, as well as adjacent properties.

1. Attached Buildings and Structures. Attached accessory buildings and structures shall meet all applicable regulations which apply to the principal structure to which they are attached.
2. Detached Buildings. Detached accessory buildings shall be subject to all of the following requirements:
  - A. Not be located in a required front yard.
  - B. If located partially or completely between the side lot line and the principal building on the lot, detached accessory buildings and structures shall meet the minimum side yard requirements established for the principal building to which it is accessory.
  - C. Not be closer than three feet to any other lot line. However, a roof or canopy of an accessory building may project into a side yard to a point one-third the distance to the lot line from an exterior wall.
  - D. Shall not occupy more than 40 percent of the rear yard.
  - E. Be set back from any adjacent street in accordance with the minimum distance required for a principal building on a lot.
  - F. No portion of an accessory building shall be located closer than three feet to the principal building.
  - G. The height of accessory buildings shall not exceed the maximum height limits set for permitted uses in the district.
  - H. Use as Dwelling Prohibited. No accessory structure shall be used for living or sleeping.

**168.03 OFF-STREET LOADING.** Off-street loading and unloading space with proper access from a street or alley, and with at least 14 feet of vertical clearance shall be provided, either within or outside the building to adequately serve the use on the lot. All off-street loading and unloading spaces shall have all-weather surface to provide safe and convenient access and use during all seasons.

**168.04 HEIGHT REGULATIONS.** In residence districts, no building shall exceed 35 feet in height, provided that such height limits may be exceeded by one foot for each foot by which the width of each side yard is increased beyond minimum side yard requirements, up to a maximum of 50 feet. In commercial and industrial districts, no building shall exceed 50 feet in height, provided that such height limits may be exceeded when authorized by the Board. Structures supporting utility facilities are exempted from the provisions of this section.

**168.05 SIGNS.** Following are regulations governing signs:

1. Residence Signs.
  - A. Signs are not permitted in any residence district; except as used with home occupations and public and semi-public uses in which case they shall conform to this section.
  - B. Except as otherwise provided, home occupation or professional signs in any residence district or in connection with any residential building in any other district shall not exceed six square feet in area.
  - C. Any announcement sign of a club, public or semi-public building shall not be more than 12 square feet in area and shall refer only to the premises which it occupies.
2. Business Signs.
  - A. In District B-1 and B-2: Signs any part of which project out from the building from four inches to 18 inches shall be erected so that no portion of the sign is less than eight feet above grade.
  - B. Signs which project more than 18 inches from the building must be at least 12 feet above grade and may extend a maximum of eight feet provided that they do not extend further than a point two feet in back of the curb face.
  - C. Moving, flashing, rotating, illuminated signs or colored lights that may be confused with traffic lights and therefore be potentially hazardous, are not permitted.
  - D. Free standing commercial or industrial signs placed on a vacant lot which do not otherwise conform to these regulations may be permitted when authorized as a special exception by the board.
3. Real Estate Signs. Real estate signs which are not more than six square feet in area and are located a distance of at least one-half the depth of the required front yard behind the front lot line may advertise the sale, rental, or lease of only the premises on which such signs are maintained. Not more than two such signs shall be permitted per 100 feet of lot frontage.
4. Industrial Signs. In Districts I-1 and I-2, industrial signs, billboards or advertising structures shall be permitted subject to the following conditions:
  - A. No sign may extend over the public right-of-way more than six feet or closer than five feet to the curb face unless the bottom point of such sign is at least 14 feet above the top of the curb. In no case shall any projecting sign extend beyond the face of the curb.
  - B. If the sign is illuminated, it shall not be of the flashing beacon type, and if such illuminated sign faces a residential zone district or a residential use in any zone district, it shall be located at least 100 feet there from measured perpendicular to the face of the sign.

**168.06 FENCES.** Fences shall be subject to the following regulations:

1. Fences only and no walls may be erected on any part of a lot in any district.
2. Before a fence may be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, a building permit must first be obtained as provided by the special building permit regulations of the City.



3. Fences not exceeding four feet in height may be erected on any part of a lot in any district, except as further regulated on corner lots, between the front lot line and the front building line for structures, and on any other part of the lot may be erected to a height not exceeding six feet. The height of a fence shall be determined by measurement from the ground level on either side of said fence. Any fence more than six feet in height shall be considered a structure.
4. On corner lots, that part of a backyard fence that extends to the side property line shall not exceed five feet in height.
5. All fences shall be constructed and maintained only with one of the following approved materials which shall be specifically designed, manufactured, intended and offered for sale solely for use as fencing:
  - A. Chain link
  - B. Vinyl coated chain link
  - C. Vinyl coated aluminum
  - D. Polyvinyl chloride (PVC)
  - E. Wood

Fences shall not be constructed of barbed wire; razor wire; electric fence; snow fencing; cast off, secondhand, used, repurposed or recycled material; materials that are not specifically designed, manufactured, intended and offered for sale solely for use as fencing; plywood, particle board, paper, cardboard, visqueen plastic, plastic tarp (and similar materials), pallets, garage and other doors, house siding, sheet metal, metal roofing, roil metal, corrugated metal and other dangerous material or materials not specifically authorized herein.

6. All fences shall be constructed with finished surfaces facing toward adjacent properties and street frontage and post, supporting rails and other supporting elements facing the property on which the fence is located, in a sound and sturdy manner, and shall be maintained in a good state of repair including the repair of dangerous or defective parts, painting, staining, waterproofing and other acts required for maintenance.
7. In addition to all other remedies available to the City at law or in equity, any fence that is not maintained in accordance with the provisions of these regulations may be removed at the owner's expense.

**168.07 FILLING STATIONS.** In any district where permitted, a filling station shall be subject to the following regulations:

1. Encroachment. The area for use by motor vehicles, except access drives thereto, as well as any structures, shall not encroach on any required yard area.
2. Location of Fuel Pump. No fuel delivery pump shall be located within 20 feet from any side lot line not within 35 feet of any street line and no fuel pump shall be located within 50 feet of the side or rear lot line which lies next to a residence.
3. Repair Work. All major repair work shall be done within a completely enclosed building.
4. Storage. All automobile parts, dismantled vehicles and merchandise shall be stored within the confines of the building during the hours when the business is not operating.

**168.08 HOTELS AND MOTELS.** Hotels and motels will be permitted in the B-2, District, provided that they have frontage and access on major traffic arteries. Motel development standards are as follows:

1. Minimum Lot Area. The minimum lot area shall be one acre and the access and egress shall be located not closer than 30 feet to the side lot lines. The setback of any structure shall be 50 feet from the front lot line on the street on which the property fronts.
2. Yard Requirements. A minimum of 25 feet shall be provided for both side yards and a 30-foot rear yard shall be provided.
3. Lot Area Per Unit. A minimum of 4,000 square feet shall be required for each bedroom unit.
4. Parking, Height and Sign Regulations. See Sections 168.01, 168.04 and 168.05 of this chapter.

**168.09 MOBILE HOME PARKS.** Mobile home parks may be permitted by the granting of a special exception by the Board in any area south of the Chicago and North Western Railway tracks within the City of Tama, regardless of the zoned classification of said area, providing that any mobile home park so permitted must comply with all of the provisions of Section 166.13 of this Zoning Code. Notwithstanding the foregoing provisions of this section, the provisions of this section shall not apply to any of the real estate set forth and described in Ordinance No. 320 of the City of Tama, Iowa.

**168.10 DESIGNED SHOPPING CENTER.** In the case of a designed shopping center, upon examination of the plan by the commission, if such plan meets all other requirements, the side yard requirements for each individual building may be waived. In no case, however, shall any portion of such a combined structure be located nearer than 30 feet to any side lot line of the tract on which a building is erected.

**168.11 DESIGNED RESIDENTIAL SUBDIVISION.** In the case of a designed residential subdivision or group housing of two or more buildings to be constructed on a plot of ground, not subdivided into the customary streets and lots, and which will not be so subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of these regulations to the individual building units in such group housing, the application of the terms of these regulations may be varied by the Board in a manner which will be in harmony with the character of the neighborhood. However, in no case shall the Board authorize a use prohibited in the district in which the housing is to be located, or a smaller area per dwelling unit than the minimum required in such district, or a greater height than the requirements of this chapter permit in such a district.

**168.12 ANNEXATION.** Any parcel of land annexed into the City limits shall hereafter become subject to the provisions of the Residence A-1 District until otherwise zoned in accordance with the stipulated amending procedure.

**168.13 SEXUALLY ORIENTED BUSINESSES.** Sexually oriented businesses (as defined herein) shall be permitted within any district subject to the following regulations:

1. The sexually oriented business may not be operated within 1,000 feet of: (i) a church, synagogue, chapel or similar place of religious worship or instruction; (ii) a public or private elementary or secondary school; (iii) a boundary of a residential zoning district; (iv) a library, or a public park, playground or other recreational facility; (v) a licensed day care center or nursery or preschool; or (vi) another sexually oriented business.

2. A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.
3. For the purpose of these regulations, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or library, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot, or licensed day care center.
4. For purposes of Subsection 3, the distance between any two sexually oriented business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
5. Definitions:

A. “Adult arcade” means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion pictures machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

B. “Adult bookstore” or “Adult video store” means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or

(2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas. A principal business purpose need not be a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.

C. “Adult cabaret” means a commercial establishment that regularly features:

(1) Persons who appear in a state of semi-nudity; or

(2) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

- (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
  - (4) Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- D. “Adult motel” means a hotel, motel or similar commercial establishment that:
  - (1) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions; or
  - (2) Offers a sleeping room for rent for a period of time that is less than 24 hours; or
  - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 24 hours.
- E. “Adult motion picture theater” means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- F. “Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- G. “Director” means the Police Chief and such employees of the Police Department as the Chief may designate to perform the duties of the director under these regulations.
- H. “Escort” means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- I. “Escort agency” means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- J. “Establishment” means and includes any of the following:
  - (1) The opening or commencement of any sexually oriented business as a new business;
  - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

- (3) The additions of any sexually oriented business to any other existing sexually oriented business; or
  - (4) The relocation of any sexually oriented business.
- K. “Licensed day-care center” means a facility licensed by the State of Iowa, whether situated within the City or not, that provides care, training, education, custody, treatment or supervision for more than 12 children under 14 years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, of less than 24 hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.
- L. “Permittee” and/or “licensee” means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for the permit and/or license.
- M. “Nude model studio” means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- N. “Nudity” or a “state of nudity” means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely and opaquely covered.
- O. “Person” means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- P. “Semi-nude” means a state of dress in which clothing covers no more than the human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely and opaquely covered.
- Q. “Sexual encounter center” means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
  - (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex ; or
  - (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- R. “Sexually oriented business” means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- S. “Specified anatomical areas” means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

- T. “Specified sexual activities” means and includes any of the following:
  - (1) The fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breasts;
  - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
  - (3) Masturbation, actual or simulated; or
  - (4) Excretory functions as part of or in connection with any of the activities set forth in subparagraphs (1) through (3) above.
- U. “Substantial enlargement” of a sexually oriented business means the increase in floor areas occupied by the business by more than 25 percent from the originally licensed premises.
- V. “Transfer of ownership or control” of a sexually oriented business means and includes any of the following:
  - (1) The sale, lease, or sublease of the business;
  - (2) The transfer of securities that form a controlling interest in the business, whether by sale, exchange, or similar means; or
  - (3) The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
- 6. Classification. Sexually oriented businesses are classified as follows:
  - (1) Adult arcades;
  - (2) Adult bookstores or adult video stores;
  - (3) Adult cabarets;
  - (4) Adult motels;
  - (5) Adult motion picture theaters;
  - (6) Adult theaters;
  - (7) Escort agencies;
  - (8) Nude model studios; ;and
  - (9) Sexual encounter centers.
- 7. Permit and/or License Required.
  - A. It is unlawful for a person to operate a sexually oriented business without a valid permit and/or license, issued by the director.
  - B. An application for a permit and/or license must be made on a form provided by the City of Tama. The application must be accompanied by a sketch or a diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
  - C. The applicant must be qualified according to the provisions of these regulations and the premises must be inspected and found to be in

compliance with the law by the Fire Department, Building Official, and Zoning Official.

- D. If a person who wishes to operate a sexually oriented business is an individual, said person must sign the application for a permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 10 percent or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity that wishes to operate such a business, each individual having a 10 percent or greater interest in the corporation must sign the application for a permit and/or license as applicant.
- E. The fact that a person possesses other types of State or City permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business permit and/or license.
- F. Applications for a permit, whether original or renewal, must be made to the Director by the intended operator of the enterprise. Applications must be submitted by hand delivery to the office of the Director or the Director's designee during regular working hours. Application forms shall be supplied by the Director. The intended operator shall be required to give the following information on the application form:
  - (1) The name, street address (and mailing address if different) and Iowa driver's license number of the intended operator and the name and street address (and mailing address if different) of the owners.
  - (2) The name under which the establishment is to be operated and a general description of the services to be provided.
  - (3) The telephone number of the establishment.
  - (4) The address, and legal description of the tract of land on which the establishment is to be located.
  - (5) If the establishment is in operation, the date on which the owners acquired the establishment and began operations as a sexually oriented business at the location for which the permit is sought.
  - (6) If the establishment is not in operation, the expected startup date (which shall be expressed in number of days from the date of issuance of the permit). If the expected startup date is to be more than 10 days following the date of issuance of the permit, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same.
- G. The application shall be accompanied by the following:
  - (1) Payment of the application fee in full.
  - (2) If the establishment is an Iowa corporation, a certified copy of the articles of incorporation, together with all amendments thereto.

- (3) If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this State, together with all amendments thereto.
  - (4) If the establishment is a partnership formed under the laws of Iowa, whether general, limited or limited liability, a certified copy of the certificate of partnership, together with all amendments thereto.
  - (5) If the establishment is a foreign partnership, a certified copy of the certificate of partnership and the qualification documents, together with all amendments thereto.
  - (6) If the establishment is a limited liability company, a certified copy of the articles of organization and the operating agreement together with all amendments thereto.
  - (7) Proof of the current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed.
  - (8) If the persons identified as the fee owners of the tract of land in item (7) are not also the owners of the establishment, then the lease, purchase contract, purchase option contract, lease option contract or other documents evidencing the legally enforceable right of the owners or proposed owners of the establishment to have or obtain the use and possession of the tract or portion thereof that is to be used for the establishment for the purpose of the operation of the establishment.
  - (9) Any of items (2) through (8) above shall not be required for a renewal application if the applicant states that the documents previously furnished the director with the original application or previous renewals thereof remain correct and current.
- H. The application shall contain a statement under oath that:
- (1) The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith is true and correct.
  - (2) The applicant has read these regulations.
- I. A separate application and permit shall be required for each sexually oriented business.
8. Issuance of Permit and/or License.
- A. The Director shall approve the issuance of a permit and/or license to an applicant within 30 days after receipt of an application unless he finds one or more of the following to be true:
- (1) An applicant is under 18 years of age.
  - (2) An applicant or an applicant's spouse is overdue in his payment to the City of taxes, fines, or penalties assessed against him or imposed upon him in relation to the sexually oriented business.
  - (3) An applicant has failed to provide information reasonably necessary for issuance of the permit and/or license or has falsely answered a question or request for information on the application form.



- (4) An applicant is residing with a person who has been denied a permit and/or license by the City to operate a sexually oriented business within the preceding 12 months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months.
    - (5) The premises to be used for the sexually oriented business have not been approved by the Fire Department, Building Official and Zoning Official as being in compliance with applicable laws and regulations.
    - (6) The permit and/or license fee required by these regulations has not been paid.
    - (7) An application of the proposed establishment is in violation of or is not in compliance with any of the provisions of these regulations.
  - B. The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
  - C. The Fire Department, Building Official and Zoning Official shall complete their certification that the premises is in compliance or not in compliance within 30 days of receipt of the application by the Director. The certification shall be promptly presented to the Director.
  - D. In the event that the Director determines that an applicant is not eligible for a permit, the applicant shall be given notice in writing of the reasons for the denial within 45 days of the receipt of its application by the Director, provided that the applicant may request, in writing, that such period be extended for an additional period of not more than 10 days at any time before the notice is issued in order to make modifications necessary to comply with these regulations.
  - E. An applicant may appeal the decision of the Director regarding a denial to City Council by filing a written notice of appeal with the City Clerk within 15 days after the applicant is given notice of the Director's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Director may submit a memorandum in response to the memorandum filed by the applicant on appeal to City Council. After reviewing such memoranda, as well as the Director's written decision, if any, and exhibits submitted to the Director, the City Council shall vote to either uphold or overrule the Director's decision. Such vote shall be taken within 21 calendar days after the date on which the City Clerk receives the notice of appeal. However, all parties shall be required to comply with the Director's decision during the pendency of the appeal.
9. Fees. The annual fee for a sexually oriented business permit and/or license is \$500.00. This fee is to be used to pay for the cost of the administration and enforcement of this ordinance.

10. Inspection. An applicant, or permittee and/or licensee shall permit representatives of the Police Department, or other City or State departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.
11. Expiration of Permit and/or License.
  - A. Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in subsection 8. Application of renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the permit and/or license will not be affected.
  - B. When the Director denies renewal of a license, the applicant shall not be issued a permit and /or license for one year from the date of denial. If, subsequent to denial, the Director finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license if at least 90 days have elapsed since the date denial became final.
12. Suspension. The Director shall suspend a permit and/or license for a period not to exceed 30 days if he determines that permittee and/or licensee or an employee of a permittee and/or licensee has:
  - A. Violated or is not in compliance with any section of these regulations.
  - B. Became impaired or intoxicated through the use of alcoholic beverages while on the sexually oriented business premises.
  - C. Refused to allow an inspection of the sexually oriented business premises as authorized by these regulations.
  - D. Knowingly permitted illegal gambling by any person on the sexually oriented business premises.
13. Revocation.
  - A. The Director shall revoke a permit and/or license if a cause of suspension in subsection 12 occurs and the permit and/or license has been suspended within the preceding 12 months.
  - B. The Director shall also revoke a permit and/or license if he determines that:
    - (1) A permittee and/or licensee gave false or misleading information in the material submitted during the application process.
    - (2) A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises.
    - (3) A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises.
    - (4) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended.
    - (5) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation,

masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises.

(6) A permittee and/or licensee is delinquent in payment to the City or State for any taxes or fees.

(7) The owner or operator of the permitted establishment knowingly allowed a person under 18 years of age to enter an establishment.

(8) There was a change of owner or operator for which a transfer application was not timely filed.

- C. When the Director revokes a permit and/or license, the revocation shall continue for one year, and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one year from the day revocation became effective. If, subsequent to revocation, the Director finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit and/or license if at least 90 days have elapsed since the date the revocation became effective.
14. Transfer of Permit and/or License. A permittee and/or licensee shall not transfer his permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license at any place other than the address designated in the application.
15. Nonconforming Uses. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a church, synagogue, or regular place of religious worship, public or private elementary or secondary school, licensed day-care center, public park, or residential district within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.
16. Additional Requirements for Adult Motels.
- A. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than 10 hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.
- B. It is unlawful if a person, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit and/or license, rents or sub-rents a sleeping room to a person and, within 10 hours from the time the room is rented, he rents or sub-rents the same sleeping room again.
- C. For purposes of paragraph B of this section, the terms “rent” and “sub-rent” mean the act of permitting a room to be occupied for any form of consideration.
17. Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other

video reproduction that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- A. Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Director may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
- B. The application shall be sworn to be true and correct by the applicant.
- C. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Director.
- D. It is the duty of the owners and operators of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- E. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this paragraph must be by direct line of sight from the manager's station.
- F. It is the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in paragraph E above remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated an area in which patrons will not be permitted in the application filed pursuant to paragraph A of this subsection.
- G. No viewing room may be occupied by more than one person at any time.
- H. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are

permitted access to an illumination of not less than one foot-candle as measured at the floor level.

- I. It is the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
18. Exterior Portions of Sexually Oriented Businesses.
    - A. It is unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
    - B. It is unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of these regulations.
    - C. It is unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:
      - (1) The establishment is a part of a commercial multi-unit center; and
      - (2) The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
    - D. Nothing in this subsection shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.
  19. Signage.
    - A. Notwithstanding any other City regulations to the contrary, it is unlawful for the owner or operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one primary sign and one secondary sign, as provided herein.
    - B. Primary signs shall have no more than two display surfaces. Each such display surface shall:
      - (1) Not contain any flashing lights;
      - (2) Be a flat plane, rectangular in space;
      - (3) Not to exceed 75 square feet in area; and
      - (4) Not to exceed 10 feet in height or 10 feet in length.
    - C. Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.

- D. Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.
  - E. Secondary signs shall have only one display surface. Such display surface shall:
    - (1) Be a flat plane, rectangular in shape.
    - (2) Not exceed 20 square feet in area.
    - (3) Not exceed five feet in height and four feet in width.
    - (4) Be affixed or attached to any wall or door of the enterprise.
  - F. The provisions of subparagraph (1) of paragraph B and paragraphs C and D above shall also apply to secondary signs.
20. Persons Younger Than Eighteen Prohibited from Entry; Attendant Required.
- A. It is unlawful to allow a person who is younger than 18 years of age to enter or be on the premises of a sexually oriented business at any time that the sexually oriented business is open for business.
  - B. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented businesses' regular business hours. It shall be the duty of the attendant to prohibit any person under the age of 18 years from entering the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of 18 unless such attendant asked for and was furnished.
    - (1) A valid operator's, commercial operator's, or chauffeur's driver's license; or
    - (2) A valid personal identification certificate issued by the State of Iowa reflecting that such person is 18 years of age or older.
21. Massages or Baths Administered by Person of Opposite Sex. It is unlawful for any establishment, regardless of whether it is a public or private facility, to operate a massage salon, massage parlor or any similar type business where any physical contact with the recipient of such services is provided by a person of the opposite sex unless licensed by the State of Iowa.
22. Exemptions. It is a defense to prosecution under these regulations that a person appearing in a state of nudity did so in a modeling class operated:
- A. By a proprietary school, licensed by the State of Iowa; a college, junior college, or university supported entirely or partly by taxation;
  - B. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
23. Notices.
- A. Any notice required or permitted to be given by the Director or any other City office, division, department or other agency under these regulations to any applicant, operator or owner of an establishment may be given either by personal delivery or by certified United States

mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the permit, or transfer application that has been received by the Director, or any notice of address change that has been received by the Director. Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the Director shall cause it to be posted at the principal entrance to the establishment.

- B. Any notice required or permitted to be given to the Director by any person under these regulations shall not be deemed given until and unless it is received in the office of the Director.
- C. It shall be the duty of each owner who is designated on the permit application and each operator to furnish notice to the Director in writing of any change of residence or mailing address.

24. Injunction.

- A. A person who operates or causes to be operated a sexually oriented business without a valid permit and/or license or otherwise violates these regulations is subject to a suit for injunction as well as prosecution for criminal violations, and/or prosecution as a municipal infraction.
- B. It is the purpose of this section to regulate sexually oriented businesses and related activities to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene materials.

**168.14 DISH TYPE SATELLITE SIGNAL RECEIVING ANTENNAS.** A dish type satellite signal receiving antenna shall not be erected, installed, used or operated in a Business District except in compliance with the following:

- 1. A dish type satellite signal receiving antenna, also referred to herein as a "satellite antenna," means a signal receiving device, characteristically shaped like a saucer or dish, the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.
- 2. No satellite antenna shall be erected or installed in any front or side yard or on the front or side wall of any building or structure but may be erected or installed in the rear yard, upon the roof or on the rear wall of any building or structure at a minimum height of 13 feet. The cable running from the satellite antenna to the building shall be tautly stretched and uniformly secured so that the minimum amount of cable necessary to provide service is exposed. If more than one satellite antenna is erected or installed on the wall of a building or structure, all of said satellite antennas shall be installed at the same height.

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## CHAPTER 169

# ZONING CODE - ADMINISTRATION AND ENFORCEMENT

169.01 Amendments

169.04 Board of Adjustment

169.02 Enforcement

169.05 Interpretation

169.03 Permits

**169.01 AMENDMENTS.** Provisions relating to amendments are as follows:

1. Requirements for Change. Whenever the public necessity, safety, general welfare, or good zoning practice justifies such action, and after consideration and recommendation by the Commission as provided herein, the Council may change zone district boundaries, use groups or the regulations established by these regulations after public hearing for which public notice is given as provided in Chapter 414.4, *Code of Iowa*.
2. Initiation of Change. A proposed change of zone district boundaries or regulations may be initiated by the Council, Commission, or by application of one or more of the owners of the property within the area requested to be changed.
3. Consideration. Every three months or at the discretion of the Zoning Officer, the Commission will set a public hearing to consider requested changes or amendments to the zoning regulations or zoning map pursuant to the provisions of this section. Public notice for this meeting and changes to be considered shall be given as provided elsewhere in this chapter. The re-zoning process as specified herein for newly annexed areas or amendments to the text proposed by the City itself may be undertaken at any time.
4. Site Plan and Schedule. All requests for changes in the zoning map shall be accompanied by the following:
  - A. Intentions. A complete statement giving reasons and intentions for the planned future use of the area proposed for amendment.
  - B. Site Plan. A site plan, drawn to scale, showing existing and proposed structures, uses, open spaces, facilities for parking and loading, and arrangements for pedestrian and vehicular circulation of the area proposed for amendment and all abutting properties with their use and zoning district defined.
  - C. A proposed time schedule for beginning and completion of development.
5. Fees and Expenses. Any person requesting a change in the zoning regulations or map shall pay the legal and publication costs incurred by the City, irrespective of whether said requested change is granted, which costs shall be payable upon demand and in an amount as determined by the City. Each applicant shall pay, with each application, a \$400.00 non-refundable application fee, which shall be used to defray the City's legal and publication

costs with any remaining balance of said legal and publication costs to be billed to and paid by said person.

6. **Hearing and Recommendation.** The Commission may recommend approval or disapproval of a requested change, either in whole or in part. Recommendations for changes shall be presented to the Council and an ordinance embodying such changes in whole or in part may be adopted by the Council after public hearing thereon.
7. **Protest Against Change.** In case of a protest against any changes in the regulations or map signed by owners of 20 percent or more of the area included in such proposed change, or of those immediately adjacent to the front, side or rear thereof extending 200 feet therefrom or of those directly opposite thereto extending 200 feet from the street frontage of such opposite lots, such amendment shall not become effective, except by the favorable vote of at least three-fourths of the members of the Council.

**169.02 ENFORCEMENT.** The Council shall appoint a Zoning Officer to enforce the provisions of these regulations. It shall be the duty of the Zoning Officer to examine all applications for permits, issue permits only for construction and uses which are in accordance with the requirements of this chapter, record and file all application for permits with accompanying plans and documents, and make such reports as Council may require. Permits for construction and uses which are a special exception or variance to requirements of this chapter shall be issued only upon order by the Board. Nothing herein contained shall require any change in plans or construction of a lawful use, the construction of which is started before the effective date of these regulations and which is complete within one year of the effective date of these regulations. These regulations shall be enforced by the Zoning Officer who shall in no case except under a written order of the Board or the Council, issue any permit for the erection or structural alteration of any building, or grant any zoning and use registration permit for any building or land where the proposed erection, structural alteration, or use thereof would be in violation of any provisions of this chapter.

**169.03 PERMITS.** Provisions relating to permits are as follows:

1. **Zoning and Use Registration Permits.** A zoning and use registration permit shall be obtained from the Zoning Officer for any of the following. Building permits shall be required as provided in the special building permit regulations of the City.
  - A. Occupancy and use of a building hereafter constructed, enlarged, relocated, reconstructed, or altered.
  - B. Any change in the use of an existing building.
  - C. Occupancy and use of vacant land, or change in the use of land except for any use consisting primarily of tilling the soil.
  - D. No such occupancy, use, or change of use shall take place until a zoning and use registration permit therefore has been issued by the Zoning Officer. No zoning and use registration permit shall be issued unless the proposed occupancy is in full conformity with all the provisions of this chapter.
  - E. A zoning and use registration permit shall be deemed to authorize, and is required, for both initial and continued occupancy and use of the building or land to which it applies, and shall continue in effect, so long as such buildings and the use thereof or the use of such land is in full conformity with the provisions of this chapter and any

requirements made pursuant thereto. However, on the serving of written notice by the building inspector or Zoning Officer of any violation of any of said provisions or requirements with respect to any building or the use therefor of land, the zoning and use registration permit for such use shall thereupon, without further action, be null and void, and a new zoning and use registration permit shall be required for any further use of such building or land.

2. **Application for Permits.** Application for zoning permits and use registration permits shall be made to the Zoning Officer in writing upon forms approved by the Board prior to securing building permits, and such form shall be filled in by the owner, or authorized agent, and shall be accompanied by a plan in duplicate, drawn to scale, showing the actual lot dimensions, use and intended use, height, size and location of building or buildings, and shall be accompanied by such data as may be required. Such plans and data shall be final and conclusive and any deviation therefrom shall require a new zoning permit.
3. **Appeals.** Appeals from the decision of the Zoning Officer may be made to the Board by a person aggrieved, by an officer of the City or member of the Council. The applicant shall file with the Zoning Officer and with the Board a notice of appeal specifying the ground thereof. The Zoning Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. Such appeal shall be taken within a reasonable time as provided by the rules of the Board. All notices of appeal filed with the Zoning Officer shall be accompanied by a deposit of \$20.00 which shall be used to defray the administrative expenses in connection with such appeal.

**169.04 BOARD OF ADJUSTMENT.** Provisions relating to the Board of Adjustment are as follows:

1. **Creation, Membership, Officers.** A Board of Adjustment is hereby established, the members of which shall be appointed by the Council. The Board shall consist of five members, none of whom shall hold an elective office or other official position in the City, appointed for staggered terms of five years. The members of the Board shall be removable for cause by council upon written charges and after public hearing. A vacancy shall be filled by Council for the unexpired term of any member who resigns, dies, or is removed. The Board shall elect a Chairperson from its members, and a Secretary who may, but need not, be a member of the Board. Each member of the Board shall be compensated at the rate of \$5.00 per each meeting actually attended.
2. **Expenses of the Board.** The Board shall have authority to expend such sums as may be appropriated by the Council.
3. **Powers of the Board.** The Board shall have the following powers:
  - A. **Administrative Review.** To hear and decide appeals where it is alleged by the appellants that there is error in any order, requirement, permit, decision, determination or refusal made by the Zoning Officer or other administrative official in the carrying out or enforcement of any provision of this chapter; and for interpretation of the zoning map. The concurring vote of three members of the board shall be necessary to reverse, or modify any order or decision of an administrative official.

- B. Special Exceptions. To hear and decide applications for special exceptions as specified in this chapter and for decisions on any special questions upon which the Board is specifically authorized to pass.
  - C. Variance. To hear and decide applications for variance from the terms of this chapter because of unnecessary hardship. Before any variance is granted, all of the following conditions must be shown to be present:
    - (1) Conditions and circumstances are peculiar to the land, structure or building and do not apply to neighboring lands, structures or buildings in the same district.
    - (2) Strict application of the provisions of this chapter would deprive the applicant of reasonable use of the land, structure or building equivalent to the use made of neighboring lands, structures or buildings in the same district and permitted under the terms of this chapter.
    - (3) The peculiar conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of these regulations.
  - D. Financial disadvantage to the property owner shall not constitute conclusive proof of unnecessary hardship within the purposes of zoning.
  - E. The Board does not possess the power to permit a use not generally or by special exception, permitted in the district involved.
  - F. In granting a variance, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this chapter. Violation of any of these conditions or safeguards shall be deemed a violation of this chapter.
4. Hearing Fees. The Council may, from time to time by resolution, fix and establish fees to be paid by applicants seeking administrative reviews, special exceptions, and/or variances in order to defray the administrative and other costs associated with said hearings.

**169.05 INTERPRETATION.** In the 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 and general welfare. Among other purposes, such provisions are intended to provide for adequate light, air and convenience of access; to lessen congestion in the streets; to secure safety from fire and other dangers; to avoid undue concentration of population by regulating and limiting the height and bulk of buildings wherever erected, to limit and determine the size of yards, courts, and other open spaces; to regulate the density of population; all with reasonable consideration to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of property and encouraging the most appropriate use of land throughout the City.

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## **CHAPTER 175**

### **SUBDIVISION CONTROL**

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**175.01 TITLE AND PURPOSE.** This chapter shall be known and may be cited as the “City of Tama, Iowa, Subdivision Regulations.” The purpose of these regulations is to establish minimum standards for the design, development, and improvement of all new subdivisions and resubdivisions so that existing developments will be protected and so that adequate provisions are made for public services and to promote the health, safety and general welfare.

**175.02 POLICY.** It is hereby declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City to provide for the orderly, efficient and economical development of the City. And further:

1. Character of Land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
2. Regulations to Supplement and Facilitate. It is intended that these subdivision regulations shall supplement and facilitate the enforcement of provisions and standards, ordinances or regulations of the City.

**175.03 APPLICATION AND JURISDICTION.** Every owner or his agent of any tract or parcel of land lying within the City or, pursuant to Section 354.9, *Code of Iowa*, within two miles of the corporate limits of the City who has subdivided or shall hereafter subdivide the same into three or more parts for the purpose of laying out an addition, subdivision, building lot or lots, or acreage lots shall cause plats of such area to be made in the form, and containing the information as hereafter set forth, before selling any lots therein contained or placing the plat on record.

**175.04 INTERPRETATION.** In their interpretation or 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. Specifically:

1. Relationship to Other Public Provisions. These regulations are not intended to interfere with, or abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes a restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
2. Relationship to Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

**175.05 ACTION UNDER PRIOR PROVISIONS.** These regulations do not abate any action now pending under, or by virtue of, prior existing subdivision regulations. Nor do they discontinue, abate, modify, or alter any penalty accrued or about to accrue, or affect the liability of any person, or waive any right of the City under any section or provision existing at the time of adoption of these regulations. Nor do they vacate or annul any rights obtained by any person, by lawful action of the City except as expressed in these regulations.

**175.06 DEFINITIONS.** For use in this chapter certain terms or words used herein shall be interpreted or defined as follows:

1. "Alley" means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
2. "Applicant" means the owner of land to be subdivided or his representative.

3. "Block" means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or corporate boundaries.
4. "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 Council.
5. "Building" means any structure built for support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.
6. "Central water system" means a private water system established by the developer to serve a new subdivision or resubdivision. It includes water treatment and distribution facilities.
7. "Central sewage system" means a private sewer system including collection and treatment facilities established by the developer to serve a new subdivision or resubdivision.
8. "City Engineer" means the person designated by the Council to furnish engineering assistance for the administration of these regulations.
9. "Commission" means the Planning and Zoning Commission of Tama, Iowa.
10. "Cul-de-sac" means a municipal service street with only one outlet and having an appropriate terminal for safe and convenient reversal of traffic movement.
11. "Developer" means the owner of land proposed to be subdivided or his representative.
12. "Easement" means an authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
13. "Frontage" means that portion of a lot abutting on a street or way and complying with the set back and front yard requirements as they may exist, but it shall not be considered as the side of a corner lot.
14. "Individual sewage disposal system" means a septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.
15. "Subdivision" means the division of land into three or more lots or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or, the resubdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land.
16. "Surveyor" means a land surveyor licensed and registered under the provisions of Chapter 114 of the *Code of Iowa*.

**175.07 PROCEDURE.** In obtaining final approval of a proposed subdivision by the Council, the subdivider shall submit a preliminary plat in accordance with the requirements of Section 175.09 and install the required improvements or provide a performance bond.

**175.08 PRE-SUBMISSION CONSULTATIONS.** Prior to the submission of the preliminary plat of 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 procedural steps, design standards, required improvements, and platting

requirements. During such meetings, no commitments shall be made which will be binding upon the City.

**175.09 REQUIREMENTS OF PRELIMINARY PLAT.** Every proposed subdivision shall be submitted for tentative approval in the form of a preliminary plat prior to the submission of a final record plat. The purpose of the preliminary plat and accompanying material is to provide all facts needed for the Commission and Council to determine whether the proposed subdivisions satisfactory from the standpoint of the public interest. The following graphic and descriptive material is required to be provided on the preliminary plat and in the accompanying material.

1. Contents of Preliminary Plat. The preliminary plat shall be prepared by a registered land surveyor at a convenient scale of not more than one inch equals 100 feet, may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one sheet is used. The following information shall be shown on the preliminary plat:
  - A. Title, scale, north point and date.
  - B. Subdivision boundary lines, showing dimensions, bearings, angles, and references to section, townships and range lines or comers. Exterior boundaries are to be indicated with a solid heavy line.
  - C. Present and proposed streets, alleys and sidewalks, with their rights-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs, and planting strips, and location of street lights, fire hydrants, and street signs.
  - D. Proposed layout of blocks and lots showing dimensions, radii, chords and the square foot areas of lots that are not rectangular, and the lot and block number in numerical order.
  - E. Building setback or front yard lines.
  - F. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.
  - G. Present and proposed easements, showing locations, widths, purposes and limitations.
  - H. Location and names of adjoining parcels of unsubdivided and subdivided land.
  - I. Boundaries of the highest known flood or record affecting the subdivision and the source of information.
  - J. If the proposed subdivision borders on a lake or stream, the distances and bearings of meander line established not less than 20 feet back from the mean high water mark of the lake or stream.
  - K. Existing blocks, lots and buildings.
  - L. Present and proposed utility systems including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each. If the subdivision is within one mile of public sewer or water or both, notation shall be made of the direction and distance to such facilities.



- M. Proposed name of the subdivision.
  - N. Names and addresses of the owner, subdivider, builder, and surveyor who prepared the preliminary plat, and the surveyor who will prepare the final plat.
  - O. Official legal description of the property being platted.
  - P. Contours at vertical intervals of not more than two feet if the general slope of the site is less than 10 percent and at vertical intervals of not more than five percent if the general slope is 10 percent or greater.
  - Q. Existing and proposed zoning of the proposed subdivision and adjoining property.
  - R. Location of all proposed monuments.
2. Information to Be Provided in Accompanying Material. The following information shall accompany a plat when filing.
- A. A complete listing of all existing covenants which apply to the land to be subdivided, and a complete listing of all covenants which are proposed by the developer to apply to the subdivided land.
  - B. A table of the following information:
    - (1) Total acreage of subdivision.
    - (2) Total number of lots.
    - (3) Minimum, average, and maximum lot areal.
    - (4) Acreage of public lands to be dedicated or reserved other than streets.
  - C. An attorney's opinion showing that the fee title to the property proposed for subdividing is in the owner's name as shown on the plat and showing any encumbrances that may exist against the land.
  - D. If any portion of the 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.
  - E. Specifications and engineering construction drawings including profiles, cross-sections, and details of all public improvements. Elevations shall be referred to mean sea level as exhibited in standard U.S. Geological Survey Maps. Specifications and references shall meet those required by the City's construction and specification standards, including a site grading plan for the entire subdivision.

**175.10 SUBMISSION OF PRELIMINARY PLAT.** The subdivider shall prepare a preliminary plat in accordance with the provisions of 175.09 and shall file with the Clerk an application in triplicate for the tentative approval of the plat. The application shall:

- 1. Forms and Fees. Be made on forms available from the Clerk together with a fee of \$10.00 per lot.
- 2. Number of Plats. Be accompanied by a minimum of 10 copies of the preliminary plat.
- 3. Time of Submission. Be presented to the Clerk at least four weeks prior to the regular meeting of the Commission.

**175.11 REFERRAL OF PRELIMINARY PLAT.** The Clerk shall immediately refer two copies of the preliminary plat to the City Engineer and seven copies to the Commission. In the case of a subdivision outside the corporate limits of the City, the Clerk shall refer one copy of the preliminary plat to the County Board of Supervisors.

**175.12 REVIEW OF PRELIMINARY PLAT.** The preliminary plat shall be reviewed by the Commission to determine its conformity with these regulations and all other ordinances and regulations in force affecting subdivisions. Copies of the preliminary plat may be transmitted to other City or school officials, as the Commission deems necessary, for their recommendations concerning matters within their jurisdiction. Their recommendations, along with those of the City Engineer, shall be transmitted to the Commission within three weeks from the date the plat is filed. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made.

**175.13 ACTION BY THE COMMISSION ON PRELIMINARY PLAT.** The Commission shall, as soon as possible, but not more than 30 days thereafter, pass upon the preliminary plat as originally submitted or modified. If the Commission does not act within 30 days, the preliminary plat shall be deemed to be approved; provided, however, the subdivider may agree to an extension of the time period, not to exceed an additional 60 days. It shall then set forth its recommendations in writing, whether of approval, modification, or disapproval.

1. Reasons for Changes or Disapproval. In the event that substantial changes or modifications are made by the Commission or the Commission recommends disapproval of the plat, it shall give its reasons therefor and it may request and cause the revised preliminary plat to be re-submitted in the same manner as the original plat.
2. Tentative Approval. If the Commission recommends approval, it shall express its approval as "Tentative Approval" and state the conditions of such approval, if any.
3. Documenting Approval. The action of the Commission shall be documented on seven copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider, one copy shall be retained by the Commission, and five copies shall be referred to the Council.

**175.14 ACTION BY COUNCIL ON PRELIMINARY PLAT.** Within 30 days of the receipt of the preliminary plat, the Council shall, by resolution, tentatively approve or disapprove the plat. If the preliminary plat is disapproved, objections to it shall be returned to the Commission for further review and the Clerk shall notify the subdivider of such action. If approved, the Clerk shall sign five copies of the preliminary plat with the notation of the date the preliminary plat received the Council's tentative approval. One copy shall be returned to the subdivider. The "Tentative Approval" by the Council shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

**175.15 EFFECTIVE PERIOD OF TENTATIVE APPROVAL.** The tentative approval of a preliminary plat shall be effective for a period of one year, at the end of which time final approval must have been obtained. Any plat not receiving final approval within this period of time shall be void, and the subdivider shall be required to resubmit a new plat for tentative approval subject to all new zoning restrictions and subdivision regulations.

**175.16 COMPLETION OF IMPROVEMENTS.** Before the Council will approve the final plat, all of the required improvements shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other City requirements, and the agreements between the subdivider and the City.

**175.17 PERFORMANCE BOND.** The completion requirement for improvements may be waived in whole or in part if the subdivider will post a performance bond with the Council guaranteeing that improvements not completed will be constructed within a period of one year from final acceptance of the plat; but final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed. Such performance bond shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution. Upon recommendation of the Commission, the Council may extend the completion date set forth in the bond for a maximum period of one additional year.

**175.18 FINAL PLAT.** The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

**175.19 REQUIREMENTS OF THE FINAL PLAT.** The following graphic and descriptive material is required to be provided on the final plat and in the accompanying material.

1. Contents of the Final Plats. Every plat of a subdivision offered for record shall conform to all of the following provisions where applicable:
  - A. The plat shall be a permanent copy or a photographic print made on a stable plastic film. Exact copies of the plat to be recorded shall be provided to and filed by the County Recorder, Assessor and Auditor. The original plat drawing shall remain the property of the registered land surveyor.
  - B. The size of each sheet showing any portion of the subdivided lands shall not be greater than 18 inches by 24 inches or less than eight and one-half inches by 11 inches.
  - C. Whenever more than one sheet is used to accurately portray the lands 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 the sheets.
  - D. A maximum scale of 100 feet to one inch shall be used. The scale used shall be clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the lands subdivided.
  - E. Subdivisions shall be designed, by name or as otherwise prescribed, in bold letters inside the margin at the top of each sheet included in the plat.
  - F. An arrow indicating the northern direction shall be drawn in a prominent place on each sheet included in the plat, as well as the scale and date.

- G. All monuments to be of record shall be adequately described and clearly identified on the plat. When additional monuments are to be established subsequent to the recording of the plat the location of the additional monuments shall be shown on the plat.
- H. 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 boundaries of the subdivided lands.
- I. All distances shall be shown in feet to the nearest one-hundredth of a foot, and in accordance with the definition of a foot adopted by the United States Bureau of Standards. All measurements shall refer to the horizontal plane.
- J. The course of every boundary line shown on the plat shall be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line having a shown course. All bearings and angles shown shall be given to at least the nearest minute of arc.
- K. Curve data shall be stated in terms of radius, central angle, and tangent, or length of curve. In all cases, the curve data must be shown for the line affected.
- L. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:15,000 for any individual lot.
- M. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a meander line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less," if variable. In all cases, the true boundary shall be clearly indicated on the plat.
- N. All interior excepted parcels shall be clearly indicated and labeled, "not a part of this plat."
- O. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Re-subdivision shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.
- P. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, water, sewer, and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.

- Q. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the Council.
  - R. The purpose of all areas dedicated to the public must be clearly indicated on the plat.
  - S. Street names and clear designation of public alleys.
  - T. Block and lot numbers.
  - U. Name and address of owner and subdivider.
  - V. Accurate dimensions for any property to be dedicated or reserved for public use.
  - W. The plat shall be signed and acknowledged by the subdivision land owner and his or her spouse.
  - X. A sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.
2. Information to Be Provided in Accompanying Material. The following material shall be submitted with the final plat:
- A. A correct legal description of the subdivision land.
  - B. 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.
  - C. 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.
  - D. 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.
  - E. 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*.
  - F. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

- G. A statement by the Auditor approving the name or title on the subdivision plat.
- H. 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.
- I. The encumbrance bond, if any.

**175.20 SUBMISSION OF FINAL PLAT.** The subdivider shall prepare a final plat in accordance with the provisions of Section 175.19 and shall file with the Clerk an application in triplicate for the final approval of the plat. The application shall:

1. Forms and Fees. Be made on forms available from the Clerk together with a fee of \$10.00 per lot.
2. Number of Copies of Plat. Be accompanied by a minimum of 10 copies of the final plat.
3. Offers of Dedication. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, City uses, utilities and easements, in a form approved by the City Attorney.
4. Time of Submission. Be presented to the Clerk at least four weeks prior to the regular meeting of the Commission.

**175.21 REFERRAL OF FINAL PLAT.** The Clerk shall immediately refer two copies of the final plat to the City Engineer and seven copies to the Commission. In the case of a subdivision outside the corporate limits of the City, the Clerk shall refer one copy of the final plat to the County Board of Supervisors.

**175.22 ACTION BY COMMISSION ON FINAL PLAT.** The Commission shall, upon receiving the final plat, as soon as possible, but not more than 30 days thereafter, consider the final plat, and if the same is recommended for approval, shall submit its recommendation of approval to the Council, together with a certified copy of its resolution showing the action of the Commission. If the Commission recommends approval of the final plat, such approval and the date thereof shall be noted on the plat over the signature of both the Chairperson and Secretary of the Commission and the plat and five copies shall be transmitted to the Council, and one copy shall be returned to the subdivider.

**175.23 ACTION BY THE COUNCIL ON FINAL PLAT.** Upon receipt of the certification by the Commission the Council shall, within 60 days, either approve or disapprove the final plat.

1. Disapproval of Plat. In the event that said plat is disapproved by the Council, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.
2. Acceptance of Plat. In the event that said plat is found to be acceptable and in accordance with these regulations, the Council shall accept same.
3. Final Approval and Recording of Plat. The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting of the

area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of the county where the land to be subdivided is located, and shall file satisfactory evidence of such recording in the office of the Clerk before the City shall recognize the plat as being in full force and effect.

**175.24 RESUBDIVISION OF LAND.** The following requirements shall govern the re-subdividing of land.

1. Procedure for Re-Subdividing. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved for public use indicated on the map, or any lot line, or if it affects any map or plan legally established prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the same procedure, rules, and regulations as for a subdivision.
2. Acreage Lots. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be re-subdivided 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 made a requirement of the plat.

**175.25 COMPLETION OF IMPROVEMENTS.** Before the final plat is approved by the Council, all applicants shall be required to complete, in accordance with the Council's decision and to the satisfaction of the City Engineer, all the street, sanitary, and other improvements as required in these regulations, specified in the preliminary plat, and as approved by the Council, and to dedicate same to the City, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

**175.26 PERFORMANCE BOND.** The Council in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to approving the final plat, and that, as an alternative, the applicant post a bond at the time of application for final plat approval in an amount estimated by the Council as sufficient to secure to the City the satisfactory construction, installation, and dedication of the incomplete portion of required improvements. In addition:

1. Approved by City Attorney. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in these regulations.
2. Completion Period. The period within which required improvements must be completed shall be specified by the Council in the resolution approving the final plat shall be incorporated in the bond, and shall not exceed one year from date of final approval.
3. Extension of Completion Period. The performance bond shall be approved by the Council as to the amount and surety and conditions satisfactory to the Council. The Commission may, upon proof of difficulty, recommend to the Council extension of the completion date set forth in such bond for a maximum period of one additional year. The Council may at any time during the period of such bond accept a substitution of principal or sureties on the bond.
4. Temporary Improvements. The applicant shall build and pay for all costs of temporary improvements required by the Council and shall maintain same for

the period specified by the Council. Prior to construction of any temporary facility or improvement, the developer shall file with the City a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained and removed.

5. Failure to Complete Improvement. For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Council in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the City may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

**175.27 INSPECTION OF IMPROVEMENTS.** The Council shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall pay to the City an inspection fee equal to the actual cost of inspection. These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. The subdivider shall furnish the Council with a construction schedule prior to the commencement of any and all construction, and notify the City not less than 24 hours in advance of readiness for required inspections.

**175.28 RELEASE OR REDUCTION OF PERFORMANCE BOND.** The performance bond may not be released except as follows:

1. Certificate of Satisfactory Completion. The Council will not accept dedication of required improvements, nor release nor reduce a performance bond, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer has certified to the City through submission of detailed "as-built" plans of the subdivision indicating location, dimensions, materials, and other information required by the City, that all public improvements are in accordance with construction plans for the subdivision.
2. Reduction of Performance Bond. A performance bond may be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat.

**175.29 MAINTENANCE OF IMPROVEMENTS.** Improvements shall be maintained and a maintenance bond provided as follows:

1. Waiver of Required Improvements. The Council may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as in its judgement 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 the 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 his share of the costs 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.



3. Subsection 2 of this section to the contrary notwithstanding, whenever it is deemed necessary by the Council to defer the construction of any improvement required herein for the reasons set forth in subsection 2 above, the Council may, upon the showing of good and sufficient grounds, agree to the deferral of required improvements. Provided, however, that such deferral of required improvements shall be expressly conditioned upon the compliance with such terms and conditions as the Council shall deem necessary to insure the satisfactory completion of said improvements upon demand of the City.

**175.30 ISSUANCE OF 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 police and fire equipment.

**175.31 IMPROVEMENTS REQUIRED.** The subdivider shall install and construct all improvements required by these regulations in accordance with the specifications and under the supervision of the Council and to its satisfaction.

**175.32 DESIGN STANDARDS ARE MINIMUM.** The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the subdivision, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood.

**175.33 CONFORMANCE TO APPLICABLE RULES AND REGULATIONS.** In addition to the requirements established herein, all subdividers shall comply with the following laws, rules, and regulations.

1. State Statutes. All applicable statutes of the State of Iowa.
2. City Plans. Any comprehensive plan, public utilities plan, and capital improvements program of the City.
3. State Agency Rules. The requirements and rules of State agencies such as the State Department of Environmental Quality, State Department of Health, and the State Department of Transportation, where applicable.
4. County Standards and Regulations. The standards and regulations of the County Board of Supervisors and county commissions, boards, and agencies where applicable.
5. City Standards and Regulations. The standards and regulations adopted by the Council, boards, commissions, and agencies of the City.
6. Plat Approval and Conformity. Plat approval may be withheld if a subdivision is not in conformance with the above guides, or policy and purposes of these regulations.

**175.34 SUBDIVISION NAME.** The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Council, after consultation with the Commission, shall have the final authority to designate the name of the subdivision which shall be determined at preliminary plat approval.

**175.35 MONUMENTATION.** Monuments shall be in conformance with the following requirements:

1. **Establishment of Permanent Control Monuments.** Prior to the offering of the plat of 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 establish at least two permanent control monuments for each block created, or if the area subdivided into lots is less than a block in size, at least two permanent control monuments shall be established for the subdivision. Permanent control monuments shall be constructed of reasonable 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 the monument.
2. **Other Monuments of Record.** Other monuments established prior to the recording of the plat of the subdivision and described on the plat shall be considered monuments of record and shall be given the same weight as original permanent control monuments if the monuments remain undisturbed in their original positions. The additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in subsection 1 of this section.
3. **Establishment and Recording of Other Monuments.** Monuments other than the permanent control monuments required in subsection 1 of this section shall not be required to be established before the recording of the plat or the conveyancing of lands by reference to the plat if the surveyor includes in the certification of the plat that the additional monuments required by these regulations shall be established before a specified future date.
4. **Additional Monuments Required.** Additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in subsection 1 of this section, and shall be set all of the following locations whether set prior to the recording of the plat, or subsequent to such recording:
  - 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.
5. **Placement of Monument.** When the placement of a monument required by this chapter at the prescribed location is impractical, it is permissible to establish a reference monument in close proximity to the prescribed location. If the reference monument is established prior to the recording of the plat and its location properly shown on the plat, the reference monument shall have the same status as other monuments of record. Where any point requiring monumentation has been previously monumented, the existence of the monument shall be confirmed by the surveyor. The existing monument shall be considered a monument of record when properly shown and described on the recorded plat.

**175.36 CHARACTER OF THE LAND.** Land which the City finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or its surrounding areas or both, shall not be subdivided or developed unless adequate methods are formulated by the subdivider and approved by the 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.

**175.37 LOTS.** The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

1. Lot Size. Minimum lot dimensions and sizes shall conform to the requirements of the zoning regulations where applicable, but in no case shall a lot contain less than 5,000 square feet of area or be less than 50 feet wide measured at the building line.
  - A. Residential lots where not served by public sewer shall be of sufficient size, as determined by the City and subject to any applicable State or County rules or regulations, to accommodate the type of private sewage disposal system proposed by the developer.
  - B. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
  - C. Corner lots for residential use shall have an extra 20 feet of width to permit appropriate building setback from and orientation to both streets.
2. Street Access. Each lot shall be provided with satisfactory access to a public street.
3. Double Frontage and Reverse Frontage Lots. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
4. Side Lot Lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
5. Lot Drainage. 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.
6. Building Lines. 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 Council may require building lines in accordance with the needs of each subdivision.

**175.38 BLOCKS.** Blocks shall conform to the following requirements:

1. Provision for Lots. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions shall be permitted in blocks adjacent to arterial streets, railroads, or waterways.
2. Design Considerations. The length, widths and shapes of blocks shall be determined with due regard to:
  - A. Provision for adequate building sites.
  - B. Zoning requirements where applicable.
  - C. Topography.
  - D. Needs for convenient access, circulation, control, and safety of street traffic.
3. Block Lengths. The lengths of blocks shall be appropriate to the type of development contemplated, but block lengths in residential developments shall not exceed 1,200 feet. Wherever practicable, blocks along arterials and collector streets shall not be less than 500 feet in length.
4. Easement Reservation. In blocks over 800 feet in length, the Council may require the reservation of an easement to accommodate utilities, drainage facilities, or pedestrian traffic.
5. Pedestrian Crosswalks. Pedestrian crosswalks, not less than four feet wide, may be required by the Council through the center of blocks more than 800 feet in length. Pedestrian crosswalks shall not exceed 12 percent in grade unless steps of an approved design are to be constructed.

**175.39 STREETS, GENERAL REQUIREMENTS.** Streets shall conform with the following general requirements:

1. Frontage on Improved 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 and conform to the City construction standards and specifications and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted.
3. Topography and Arrangement. Streets shall be in conformance with the following requirements related 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. Specific standards are contained in the design standards of these regulations.
  - B. All streets shall be properly integrated with the existing and proposed system of streets and dedicated right-of-way.
  - 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. Municipal service streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems and to require the minimum number of streets necessary to provide convenient and safe access to property.
  - 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 the most advantageous future development of adjacent tracts.
  - 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.
- 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.
  - 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 in alignment with others already existing shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the Council and Commission.
  - 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 applicant 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 and specification standards approved by the Council.
  - 9. Construction of Streets and Dead-End Streets. Streets and dead-end streets shall be in conformance with the following requirements:

- A. **Construction of Streets.** The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, and for efficient provision of utilities. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Council may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.
- B. **Permanent Dead-End Streets.** Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Council for access to adjoining property, its terminus shall normally not be nearer to such boundary than 150 feet. However, the Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with City construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of these regulations.

**175.40 STREETS; DESIGN STANDARDS.** The following design standards shall apply to the design of streets:

- 1. **General.** 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 hereby required:
  - A. When connecting street lines deflect from each other at any one point by more than 10 degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than 100 feet for municipal service and municipal collector streets, and of such greater radii as the Council shall determine for special cases.
  - B. **Minimum Roadway and Right-of-Way Standards:**
    - (1) Municipal arterial streets shall have a right-of-way width of not less than 80 feet and a roadway width of not less than 44 feet.
    - (2) Municipal collector streets shall have a right-of-way width of not less than 60 feet and a roadway width of not less than 31 feet.
    - (3) Municipal service streets shall have a right-of-way of not less than 50 feet and a roadway width of not less than 25 feet.
    - (4) Frontage streets shall have a right-of-way width of not less than 40 feet and a roadway width of not less than 25 feet.
    - (5) Cul-de-sacs shall meet all the requirements for a municipal service street and, in addition, shall provide a turnaround with a right-

of-way radius of 50 feet and a roadway radius of 40 feet. No cul-de-sacs shall exceed 1,000 feet in length.

- C. Street grades, wherever feasible shall not exceed the following:
    - (1) Municipal arterial streets - six percent.
    - (2) Municipal collector streets - eight percent.
    - (3) Municipal service streets - 10 percent.
    - (4) Frontage streets - six percent.
  - D. All changes in street grade shall be connected by vertical curves of minimum length in feet equal to 20 times the algebraic difference in percentages of grade.
  - E. No street grade shall be less than four-tenths of one percent.
- 2. Street Surfacing and Improvements. After sewer, water and other utilities to be located underground within the right-of-way have been installed by the applicant, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. Said surfacing shall be of Portland concrete cement, be of six-inch thick, 4,000 psi Portland concrete with six percent air entrainment. Adequate provision shall be made for culverts, drains, and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the City, and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.
  - 3. 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. Such slopes shall not be in excess of three to one.
  - 4. 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 25 feet in depth 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: "This strip is reserved for screening. The placement of structures hereon is prohibited."
    - B. In districts zoned for business, commercial, or industrial uses the nearest street extending 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 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.
  - 5. Intersections. The following standards shall apply to the design of intersections:

- A. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles from at least 100 feet therefrom. Not more than two streets shall intersect at any one point unless specifically approved by the Council.
  - B. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least 800 feet apart.
  - C. Minimum curb radius at the intersection of two municipal service streets shall be at least 20 feet; and minimum curb radius at an intersection involving a municipal collector street shall be at least 25 feet. 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 two percent rate at a distance of 60 feet, measured from the nearest right-of-way line of the intersecting 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 trees, 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 three percent or less.
6. Bridges. Bridges of primary benefit to the applicant, as determined by the 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 Council, will be fixed by special agreement between the Council and the applicant. Said cost shall be charged to the applicant pro rata as the percentage if his land developed and so served.
7. Alleys. The following design standards for alleys shall be required of all subdividers:
- A. Alleys shall be prohibited in residential districts.
  - B. Alleys shall be provided in commercial and industrial districts, except that the planning Council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.



- C. Alley shall have a right-of-way of not less than 30 feet and a roadway width of not less than 20 feet.
  - D. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
  - E. 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.
8. 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 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 his own subdivision boundaries.
  - B. Where a subdivision borders an existing narrow street or when City plans or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his own 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.

**175.41 STORM SEWERS AND DRAINAGE.** The following requirements shall apply to the provision of storm sewers and drainage:

- 1. General Requirements. The Commission shall not recommend for approval any plat of a subdivision which does not make adequate provision for storm or flood water run-off channels or basins, the storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed for a five-year frequency and by methods approved by the Council and a copy of the designed computations shall be submitted along with the plans, where flooding is likely to occur, which would endanger human lives and property, a 100-year storm frequency shall be used. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 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 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.

- A. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the Council. However, in subdivisions containing lots less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved out-fall.
  - B. If a connection to a public storm sewer will be provided eventually, as determined by the Council, the subdivider shall make arrangements for future storm water disposal by a public storm sewer system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.
  - C. 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 Council shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by applicable zoning regulations.
  - D. The Council 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 Council may withhold approval of the subdivision until provision has been made for the recovery of the cost of 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 watercourse or facility.
  - E. 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.
3. Dedication of Drainage Easements. The following shall apply to the dedication of drainage easements.
- A. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

B. Drainage easements:

(1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street right-of-way, perpetual unobstructed easements at least 15 feet in width for such drainage facilities shall be provided across property outside the street lines and with satisfactory access to the road. Easements shall be carried from the street to a natural watercourse or to other drainage facilities.

(2) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

(3) The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Council.

(4) 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 subject to periodic flooding shall not be computed in determining the area requirement of any lot.

**175.42 WATER FACILITIES.** Water facilities shall be provided as follows:

1. General Requirements. The following general requirements shall apply to the provision of water facilities:
  - A. Where a public water main is accessible the subdivider shall install adequate water facilities, including fire hydrants, subject to City specifications. All water mains shall be at least six inches in diameter.
  - B. Water main extensions shall be approved by the City.
  - C. To facilitate the above, the location of all fire hydrants and all water supply improvements shall be shown on the preliminary plat.
  - D. The applicant shall obtain a construction permit from the Iowa Department of Environmental Quality.
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. Water samples shall be submitted to the appropriate County or State agency for testing, and individual wells and central water systems shall be approved by the appropriate County or State health authorities. Orders of approval shall be submitted to the Council.
  - 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.

3. Fire Hydrants. Fire hydrants shall be required for all subdivisions except those coming under subsection 2 of this section. Fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of any structure and shall be approved by the City.

**175.43 SEWAGE FACILITIES.** Sewage facilities shall be provided as follows:

1. General Requirements. The applicant shall install sanitary sewer facilities in a manner prescribed by the City construction standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the City and the State Department of Environmental Quality or State Department of Health. Plans shall be approved by the above agencies.
2. Construction of Sanitary Sewage Systems. Sanitary sewage systems shall be constructed as follows:
  - A. Where a public sanitary sewage system is reasonable accessible the applicant shall connect with same and provide sewers accessible to each lot in the subdivision.
  - B. Where public sanitary sewage systems are not reasonable accessible but will become available within a reasonable time, not to exceed five years, the applicant may choose one of the following alternatives:
    - (1) Install a central sewage system, operated and maintained by the benefitted property owners. Where plans for future public sanitary sewerage 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) Individual disposal systems, provided the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be lain from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer main.
  - C. Where sanitary sewer systems are not reasonably accessible and will not become available for period in excess of five years, the applicant shall install individual disposal systems or central sewerage systems.
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 by the City and the results submitted to the local board of health.
4. Water Supply Interconnections. 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.

**175.44 SIDEWALKS.** The following requirements shall apply to the provision of sidewalks:

1. Location of Sidewalks. Sidewalks shall be included within the dedicated non-pavement right-of-way of all streets.
2. Construction of Sidewalks. Sidewalks shall be improved as required in subsection 2 of Section 175.40 of these regulations. All sidewalks in residential areas shall be at least four feet wide and four inches thick and shall be constructed with 3,000 psi Portland cement concrete with one eighth inch minimum cross slope or one-fourth inch maximum cross slope to a grade which is equal to one-half inch per foot from the back of the curb above the top of the curb at the property side of the sidewalk.

**175.45 UTILITIES.** The following shall apply to the provision of utilities:

1. Location. The Council may require that all utility facilities, including (but not limited to) gas, electric power, telephone, and CATV cables, be located underground throughout the subdivision. All 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. Easements shall be provided as follows:
  - A. Easements centered on rear lot lines shall be provided for utilities. Such easements shall be at least 10 feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.
  - B. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least 10 feet in width shall be provided alongside lot lines with satisfactory access to the street or rear lot lines. Easements shall be indicated on the plat.

**175.46 PRESERVATION OF NATURAL FEATURES AND AMENITIES.** Existing features which would add value to residential development or to the City as a whole, such as trees, watercourses and falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. 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.

**175.47 NONRESIDENTIAL SUBDIVISIONS.** The following provisions shall apply to nonresidential subdivisions:

1. General. 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 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 Council, and shall conform

to the proposed land use and standards established in City plans and regulations.

2. Standards. 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 street, curb, gutter, and sidewalk design and construction.
  - D. Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer, and storm water drainage.
  - E. 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.
  - F. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

**175.48 SCHOOL AND PARK RESERVATIONS.** If land to be subdivided contains sites that are designated in City plans or plans of other public bodies to be used for schools or parks, the developer shall reserve such site for such use. If sites which have been reserved are not acquired by the City or other public body within two years of the date of the preliminary plat approval, then such sites may be subdivided by the developer. The appropriate public body may release the reserved site sooner by certifying to the Council that it does not intend to acquire such site within the two-year period.

**175.49 IMPROVEMENTS WITHIN UNINCORPORATED JURISDICTION.** Improvements in the two-mile unincorporated area under the jurisdiction of these regulations shall be the same as required herein, provided they are not less than that required by the applicable County subdivision regulations, and provided further that all construction plans shall be approved by the County, and completed public roads shall be accepted by the Board of Supervisors for public maintenance.

**175.50 VARIATIONS AND EXCEPTIONS.** The following shall apply to the granting of variations or exceptions:

1. Hardships. Where the Council 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 such variation or exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Council shall not grant variations or exceptions to these regulations unless it

shall make findings based upon the evidence presented to it in each specific case 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 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. Conditions. In granting variations and exceptions the Council may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these regulations.
  3. Procedure for a Variance. 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.

**175.51 CHANGES AND AMENDMENTS.** Any provisions of these regulations may be changed and amended from time to time by the 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 given as required by 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 recommendations to the Council within 30 days after which the Council shall give notice of and hold a public hearing on the proposed amendment.

**175.52 ENFORCEMENT, VIOLATIONS AND PENALTIES.** No plat or subdivision within the City or within two miles thereof shall be filed or recorded with the County, nor shall any plat or subdivision have any validity until it complies with the provision of these regulations, has been approved by the Council as herein set forth, and further:

1. Issuance of Building Permits. No more than two building permits for each separate tract existing at the time of the effective date of the 1978 City Code shall be issued unless the tract has been platted in accordance with these regulations; except that this provision shall not limit the number of building permits that may be issued for accessory buildings as defined by applicable land use regulations such as zoning and restricted residence regulations or additions or improvements to a main or accessory building already legally located upon said tract.
2. Sale or Lease Without Plat. Any person who shall dispose of or offer for sale or lease any lots in the City or addition to the City, until the plat thereof has been acknowledged and recorded as provided in these regulations, shall forfeit and pay \$50.00 for each lot and part of lot sold or disposed of, leased, or offered for sale.

**175.53 IMPROVEMENTS AT CITY EXPENSE.** Any provision in these regulations to the contrary notwithstanding, the Council may, for good cause shown, provide for the installation of all or a portion of any required improvements at City expense, either in whole or in part; and/or may agree to pay all, or a portion of, any required improvements at City expense.



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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 TAMA, 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 Tama, Iowa:

**SECTION 1. NEW SECTION.** The Code of Ordinances of the City of Tama, 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 TAMA, 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 Tama, Iowa:

**SECTION 1. SUBSECTION REPEALED.** The Code of Ordinances of the City of Tama, 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 TAMA, IOWA, BY AMENDING PROVISIONS  
PERTAINING TO SEWER SERVICE CHARGES**

**BE IT ENACTED** by the City Council of the City of Tama, Iowa:

**SECTION 1. SECTION MODIFIED.** Section 99.02 of the Code of Ordinances of the City of Tama, 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 TAMA, IOWA**

Be It Enacted by the City Council of the City of Tama, Iowa:

**SECTION 1.** The alley lying in Block Two (2), Railroad Addition to Tama, 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 Tama, 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 Tama, 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 Tama, 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 Tama, Iowa

By: \_\_\_\_\_  
(enforcement officer)

**RESOLUTION AND ORDER  
REGARDING DANGEROUS BUILDING**

**BE IT RESOLVED**, by the City Council of the City of Tama, 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 Tama, Iowa

By: \_\_\_\_\_  
(designate officer initiating notice)





**APPLICATION FOR PERMIT TO PLANT IN CITY PARKING**

The undersigned hereby makes application for a permit to plant upon City parking lying adjacent to and abutting real estate as described hereinafter and in support states:

1. The address of the property is \_\_\_\_\_

2. The legal description (if known) of the abutting real estate is: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. The parking upon which the planting is proposed abuts the previously described real estate to the (north) (south) (east) (west).

4. The number and type of tree, shrub, bush, or woody vegetation which is proposed to be planted upon City parking is:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Attached is a diagram of said lot showing the location where I/we propose to plant each tree, shrub, bush, or woody vegetation listed above.

6. I/We certify that we are the owners of the previously described real estate and that there is no other person or firm which has an interest, mortgage, or lien in said real estate except:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. We hereby covenant and agree that, in consideration of the grant of a permit by the City of Tama, Iowa, allowing us to plant upon the City parking adjacent to the previously described real estate as requested herein to maintain and trim said plantings, including trees, as now or hereafter required by the City and upon demand of the City to remove said plantings, including trees, and restore the parking to the satisfaction of the City at our expense.

8. That to implement the terms of this application, we have executed the attached Agreement and agree that the same be filed for record with the Tama County Recorder.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_

**AGREEMENT**

**PLANTINGS IN CITY PARKING**

The undersigned acknowledge and agree as follows:

1. That they are the owners in fee simple of real estate situation in Tama County, Iowa, described as follows:

2. That they have full power and authority to enter into this Agreement and there is no person or firm which has a mortgage or interest therein which has not joined herein.

3. That they have been issued a permit by the City of Tama, Iowa, to plant the following upon the City parking which abuts the previously described real estate to the (north) (south) (east) (west), which plantings are as follows:

4. That \_\_\_\_\_, in consideration of the foregoing, covenant and agree to maintain and trim said plantings, including trees, as now or hereafter required by the City of Tama, Iowa, to remove said plantings, including trees, and to restore said parking to the satisfaction of the City of Tama, Iowa, at our own expense.

5. That this agreement shall be a covenant running with the land and shall bind our heirs, successors, and assigns in perpetuity and run in favor of the City of Tama, Iowa.

Dated: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

The undersigned holders of a statutory contract vendor's interest, or mortgage lien agree to be bound by the foregoing terms.

\_\_\_\_\_  
\_\_\_\_\_